102d Congress
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Report
102-404

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

CONFERENCE REPORT

TO ACCOMPANY

H.R. 2950

November 27 (legislative day, November 26), 1991.—Ordered to be printed

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Mr. ROE, from the committee on conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2950]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2950) to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intermodal Surface Transportation Efficiency Act of 1991".

SEC. 2. DECLARATION OF POLICY: INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT.

It is the policy of the United States to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner.

The National Intermodal Transportation System shall consist of all forms of transportation in a unified, interconnected manner, including the transportation systems of the future, to reduce energy consumption and air pollution while promoting economic develop-

ment and supporting the Nation's preeminent position in international commerce.

The National Intermodal Transportation System shall include a National Highway System which consists of the National System of Interstate and Defense Highways and those principal arterial roads which are essential for interstate and regional commerce and travel, national defense, intermodal transfer facilities, and international commerce and border crossings.

The National Intermodal Transportation System shall include significant improvements in public transportation necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the country.

The National Intermodal Transportation System shall provide improved access to ports and airports, the Nation's link to world commerce.

The National Intermodal Transportation System shall give special emphasis to the contributions of the transportation sectors to increased productivity growth. Social benefits must be considered with particular attention to the external benefits of reduced air pollution, reduced traffic congestion and other aspects of the quality of life in the United States.

The National Intermodal Transportation System must be operated and maintained with insistent attention to the concepts of innovation, competition, energy efficiency, productivity, growth, and accountability. Practices that resulted in the lengthy and overly costly construction of the Interstate and Defense Highway System must be confronted and ceased.

The National Intermodal Transportation System shall be adapted to "intelligent vehicles", "magnetic levitation systems", and other new technologies wherever feasible and economical, with benefit cost estimates given special emphasis concerning safety considerations and techniques for cost allocation.

The National Intermodal Transportation System, where appropriate, will be financed, as regards Federal apportionments and reimbursements, by the Highway Trust Fund. Financial assistance will be provided to State and local governments and their instrumentalities to help implement national goals relating to mobility for elderly persons, persons with disabilities, and economically disadvantaged persons.

The National Intermodal Transportation System must be the centerpiece of a national investment commitment to create the new wealth of the Nation for the 21st century.

The Secretary shall distribute copies of this Declaration of Policy to each employee of the Department of Transportation and shall ensure that such Declaration of Policy is posted in all offices of the Department of Transportation.

SEC. 3. SECRETARY DEFINED.

As used in this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—SURFACE TRANSPORTATION

Part A—Title 23 Programs

SEC. 1001. COMPLETION OF INTERSTATE SYSTEM.

(a) DECLARATION.—Congress declares that the authorizations of appropriations and apportionments for construction of the Dwight D. Eisenhower National System of Interstate and Defense Highways made by this section (including the amendments made by this section) are the final authorizations of appropriations and apportionments for completion of construction of such System.

(b) APPROVAL OF INTERSTATE COST ESTIMATE FOR FISCAL YEAR 1993.—The Secretary shall apportion for all States (other than Massachusetts) for fiscal year 1993 the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956 for expenditure on the Dwight D. Eisenhower National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the Committee Print Numbered 102–24 of the Committee on Public Works and Transportation of the House of Representatives.

(c) EXTENSION OF APPORTIONMENT.—Section 104(b)(5)(A) of title 23, United States Code, is amended by striking "1960 through 1990" each place it appears and inserting "1960 through 1996".

(d) EXTENSION OF ADMINISTRATIVE ADJUSTMENT OF ICE.—Section 104(b)(5)(A) of such title is amended by striking the next to the last sentence and inserting the following new sentence: "As soon as practicable after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 for fiscal year 1992, and on October 1 of each of fiscal years 1993, 1994, and 1995, the Secretary shall make the apportionment required by this subparagraph for all States (other than Massachusetts) using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds, and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds.".

(e) ALLOCATION OF FUNDS TO MASSACHUSETTS.—Section 104(b)(5)(A) of title 23, United States Code, is amended by inserting before the last sentence the following new sentence: "Notwithstanding any other provision of this subparagraph or any cost estimate approved or adjusted pursuant to this subparagraph, subject to the deductions under this section, the amounts to be apportioned to the State of Massachusetts pursuant to this subparagraph for fiscal years 1993, 1994, 1995, and 1996 shall be as follows: $450,000,000 for fiscal year 1993, $800,000,000 for fiscal year 1994, $800,000,000 for fiscal year 1995, and $500,000,000 for fiscal year 1996.".

(f) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of subsection (b) of section 108 of the Federal-Aid Highway Act of 1956 is amended by striking "and the additional sum of $1,400,000,000 for the fiscal year ending September 30, 1993." and inserting the following: "the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1993, the additional sum of $1,800,000,000 for

the fiscal year ending September 30, 1994, the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1995, and the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1996.".

(g) Declaration of Policy.—The second paragraph of section 101(b) of such title is amended—

(1) by striking "thirty-seven years'" and inserting "forty years'"; and

(2) by striking "1993" and inserting "1996".

(h) Termination of Minimum Apportionment.—Section 102(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (23 U.S.C. 104 note) is amended by inserting after "1987," the following: "and ending before October 1, 1991,".

SEC. 1002. OBLIGATION CEILING.

(a) General Limitation.—Notwithstanding any other provision of law (other than subsection (f) of this section), the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $16,800,000,000 for fiscal year 1992;

(2) $18,303,000,000 for fiscal year 1993;

(3) $18,362,000,000 for fiscal year 1994;

(4) $18,332,000,000 for fiscal year 1995;

(5) $18,357,000,000 for fiscal year 1996; and

(6) $18,338,000,000 for fiscal year 1997.

(b) Exceptions.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 157 of such title;

(3) under section 147 of the Surface Transportation Assistance Act of 1978;

(4) under section 9 of the Federal-Aid Highway Act of 1981;

(5) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(6) under section 404 of the Surface Transportation Assistance Act of 1982; and

(7) under sections 1103 through 1108 of this Act.

Such limitations shall also not apply to obligations of funds made available by subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(c) Distribution of Obligation Authority.—

(1) General rule.—For each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(2) Special rule for Massachusetts.—For purposes of this section, funds apportioned to the State of Massachusetts pursuant to the next to the last sentence of section 104(b)(5)(A) of title 23, United States Code, shall be treated as if such funds were

allocated to such State under such title. If, before October 1 of each of fiscal years 1992, 1993, 1994, and 1995, the State of Massachusetts indicates it will not obligate a portion of the amount which would be distributed to such State under the preceding sentence, the Secretary shall distribute such portion to the other States under paragraph (1).

(d) LIMITATION ON OBLIGATION AUTHORITY.—During the period October 1 through December 31 of each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, no State shall obligate more than 35 percent of the amount distributed to such State under subsection (c) for such fiscal year, and the total of all State obligations during such period shall not exceed 25 percent of the total amount distributed to all States under such subsection for such fiscal year.

(e) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsections (c) and (d), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1 of each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, revise a distribution of the funds made available under subsection (c) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code; and

(3) not distribute amounts authorized for administrative expenses, Federal lands highways programs, and the national high speed ground transportation programs and amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(f) ADDITIONAL OBLIGATION AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State which after August 1 and on or before September 30 of fiscal year 1993, 1994, 1995, 1996, or 1997 obligates the amount distributed to such State in such fiscal year under subsections (c) and (e) may obligate for Federal-aid highways and highway safety construction on or before September 30 of such fiscal year an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(A) under sections 104 and 144 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(2) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—During the period August 2 through September 30 of each of fiscal years 1993, 1994, 1995, 1996, and 1997, the aggregate amount which may be obligated by all States pursuant to para-

graph (1) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(A) under sections 104 and 144 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in such fiscal year if the total amount of obligational authority provided by subsection (a) for such fiscal year were utilized.

(3) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply to any State which on or after August 1 of fiscal year 1993, 1994, 1995, 1996, or 1997, as the case may be, has the amount distributed to such State under subsection (c) for such fiscal year reduced under subsection (e)(2).

(g) OBLIGATION CEILING FOR HIGHWAY SAFETY PROGRAMS.—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed $10,000,000 for fiscal year 1992 and $20,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(h) CONFORMING AMENDMENT.—Section 157(b) of title 23, United States Code, is amended by striking the period at the end of the last sentence and inserting "and section 1002(c) of the Intermodal Surface Transportation Efficiency Act of 1991.".

SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.

(a) FROM THE HIGHWAY TRUST FUND.—For the purpose of carrying out the provisions of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program $2,431,000,000 for fiscal year 1992, $2,913,000,000 for fiscal year 1993, $2,914,000,000 for fiscal year 1994, $2,914,000,000 for fiscal year 1995, $2,914,000,000 for fiscal year 1996, and $2,914,000,000 for fiscal year 1997.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System $3,003,000,000 for fiscal year 1992, $3,599,000,000 for fiscal year 1993, $3,599,000,000 for fiscal year 1994, $3,599,000,000 for fiscal year 1995, $3,600,000,000 for fiscal year 1996, and $3,600,000,000 for fiscal year 1997.

(3) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program $3,418,000,000 for fiscal year 1992, $4,096,000,000 for fiscal year 1993, $4,096,000,000 for fiscal year 1994, $4,096,000,000 for fiscal year 1995, $4,097,000,000 for fiscal year 1996, and $4,097,000,000 for fiscal year 1997.

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program $858,000,000 for fiscal year 1992, $1,028,000,000 for fiscal year 1993, $1,028,000,000 for fiscal year 1994, $1,028,000,000 for fiscal year 1995, $1,029,000,000 for fiscal year 1996, and $1,029,000,000 for fiscal year 1997.

(5) BRIDGE PROGRAM.—For the bridge program $2,288,000,000 for fiscal year 1992, $2,762,000,000 for fiscal year 1993, $2,762,000,000 for fiscal year 1994, $2,762,000,000 for fiscal year

1995, $2,763,000,000 for fiscal year 1996, and $2,763,000,000 for fiscal year 1997.

(6) FEDERAL LANDS HIGHWAY PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads $159,000,000 for fiscal year 1992 and $191,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways $143,000,000 for fiscal year 1992, $171,000,000 for each of fiscal years 1993, 1994, and 1995, and $172,000,000 for each of fiscal years 1996 and 1997.

(C) PARKWAYS AND PARK HIGHWAYS.—For parkways and park highways $69,000,000 for fiscal year 1992, $83,000,000 for each of fiscal years 1993, 1994, and 1995, and $84,000,000 for each of fiscal years 1996 and 1997.

(7) FHWA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 by the Federal Highway Administration $17,000,000 for fiscal year 1992 and $20,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(8) FHWA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 by the Federal Highway Administration $10,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under titles I (other than part B), III, V, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $15,370,000, as adjusted by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are

women and are also otherwise socially and economically disadvantaged individuals.

(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(5) STUDY.—

(A) IN GENERAL.—The Comptroller General shall conduct a study of the disadvantaged business enterprise program of the Federal Highway Administration (hereinafter in this paragraph referred to as the "program").

(B) CONTENTS.—The study under this paragraph shall include the following:

(i) GRADUATION.—A determination of—

(I) the percentage of disadvantaged business enterprises which have enrolled in the program and graduated after a period of 3 years;

(II) the number of disadvantaged business enterprises which have enrolled in the program and not graduated after a period of 3 years;

(III) whether or not the graduation date of any of the disadvantaged business enterprises described in subclause (II) should have been accelerated;

(IV) since the program has no graduation time requirements, how many years would appear reasonable for disadvantaged business enterprises to participate in the program;

(V) the length of time the average small nondisadvantaged business enterprise takes to be successful in the highway construction field as compared to the average disadvantaged business enterprise; and

(VI) to what degree are disadvantaged business enterprises awarded contracts once they are no longer participating in the disadvantaged business program.

(ii) OUT-OF-STATE CONTRACTING.—A determination of which State transportation programs meet the requirement of the program for 10 percent participation by disadvantaged business enterprises by contracting with contractors located in another State and a determination to what degree prime contractors use out-of-State disadvantaged business enterprises even when disadvantaged business enterprises exist within the State to meet the 10 percent participation goal and reasons why this occurs.

(iii) PROGRAM ADJUSTMENTS.—A determination of whether or not adjustments in the program could be made with respect to Federal and State participation

in training programs and with respect to meeting capital needs and bonding requirements.

(iv) SUCCESS RATE.—Recommendations concerning whether or not adjustments described in clause (iii) would continue to encourage minority participation in the program and improve the success rate of the disadvantaged business enterprises.

(v) PERFORMANCE AND FINANCIAL CAPABILITIES.—Recommendations for additions and revisions to criteria used to determine the performance and financial capabilities of disadvantaged business enterprises enrolled in the program.

(vi) ENFORCEMENT MECHANISMS.—A determination of whether the current enforcement mechanisms are sufficient to ensure compliance with the disadvantaged business enterprise participation requirements.

(vii) ADDITIONAL COSTS.—A determination of additional costs incurred by the Federal Highway Administration in meeting the requirement of the program for 10 percent participation by disadvantaged business enterprises as well as a determination of benefits of the program.

(viii) EFFECT ON INDUSTRY.—A determination of how the program is being implemented by the construction industry and the effects of the program on all segments of the industry.

(ix) CERTIFICATION.—An analysis of the certification process for Federal-aid highway and transit programs, including a determination as to whether the process should be uniform and permit State-to-State reciprocity and how certification criteria and procedures are being implemented by the States.

(x) GOALS.—A determination of how the Federal goal is being implemented by the States, including the waiver process, and the impact of the goal on those individuals presumed to be socially and economically disadvantaged.

(C) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this paragraph.

(c) REDUCTION IN AUTHORIZATIONS FOR BUDGET COMPLIANCE.—If the total amount authorized by this Act out of the Highway Trust Fund (other than the Mass Transit Account) exceeds $17,042,000,000 for fiscal year 1992, or exceeds $98,642,000,000 for fiscal years 1992 through 1996, then each amount so authorized shall be reduced proportionately so that the total equals $17,042,000,000 for fiscal year 1992, or equals $98,642,000,000 for fiscal years 1992 through 1996, as the case may be.

SEC. 1004. BUDGET COMPLIANCE.

(a) In General.—If obligations provided for programs pursuant to this Act for fiscal year 1992 will cause—

(1) the total outlays in any of the fiscal years 1992 through 1995 which result from this Act, to exceed

(2) the total outlays for such programs in any such fiscal year which result from appropriation Acts for fiscal year 1992 and are attributable to obligations for fiscal year 1992,

then the Secretary of Transportation shall reduce proportionately the obligations provided for each program pursuant to this Act for fiscal year 1992 to the extent required to avoid such excess outlays.

(b) Coordination With Other Provisions.—The provisions of this section shall apply, notwithstanding any provision of this Act to the contrary.

SEC. 1005. DEFINITIONS.

(a) Highway Safety Improvement Project.—The undesignated paragraph of section 101(a) of title 23, United States Code, relating to highway safety improvement project is amended by inserting after "marking," the following: "installs priority control systems for emergency vehicles at signalized intersections,".

(b) Urbanized Area.—Such section is amended by striking the undesignated paragraph relating to urbanized area and inserting the following new undesignated paragraph:

"The term 'urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, at a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.".

(c) National Highway System.—Such section is further amended by striking the undesignated paragraph relating to the Federal-aid primary system and inserting the following new undesignated paragraph:

"The term 'National Highway System' means the Federal-aid highway system described in subsection (b) of section 103 of this title.".

(d) Conforming Amendments.—Such section is amended—

(1) by striking the undesignated paragraph relating to the Federal-aid secondary system;

(2) by striking the undesignated paragraph relating to the Federal-aid urban system;

(3) in the undesignated paragraph relating to Indian reservation roads by striking ", including roads on the Federal-aid systems,"; and

(4) in the undesignated paragraph relating to park road by inserting ", including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles," before "that is located within".

(e) Interstate System.—The undesignated paragraph of such section relating to the Interstate System is amended by inserting "Dwight D. Eisenhower" before "National".

(f) Operational Improvement.—Such section is further amended by inserting after the undesignated paragraph relating to Interstate System the following new undesignated paragraph:

"The term 'operational improvement' means a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs and such other capital improvements to public roads as the Secretary may designate, by regulation; except that such term does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.".

(g) Startup Costs for Traffic Management and Control; Carpool Project; Public Authority; Public Lands Highway; Reconstruction.—Such section is further amended by inserting after the undesignated paragraph relating to Interstate System the following new undesignated paragraphs:

"The term 'startup costs for traffic management and control' means initial costs (including labor costs, administration costs, cost of utilities, and rent) for integrated traffic control systems, incident management programs, and traffic control centers.

"The term 'carpool project' means any project to encourage the use of carpools and vanpools, including but not limited to provision of carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

"The term 'public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

"The term 'public lands highway' means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.".

SEC. 1006. NATIONAL HIGHWAY SYSTEM.

(a) Establishment.—Section 103 of title 23, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) In General.—For purposes of this title, the Federal-aid systems are the Interstate System and the National Highway System.

"(b) National Highway System.—

"(1) Purpose.—The purpose of the National Highway System is to provide an interconnected system of principal arterial routes which will serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major

travel destinations; meet national defense requirements; and serve interstate and interregional travel.

"(2) Components.—The National Highway System shall consist of the following:

"(A) Highways designated as part of the Interstate System under subsection (e) and section 139 of this title.

"(B) Other urban and rural principal arterials and highways (including toll facilities) which provide motor vehicle access between such an arterial and a major port, airport, public transportation facility, or other intermodal transportation facility. The States, in cooperation with local and regional officials, shall propose to the Secretary arterials and highways for designation to the National Highway System under this paragraph. In urbanized areas, the local officials shall act through the metropolitan planning organizations designated for such areas under section 134 of this title. The routes on the National Highway System, as shown on the map submitted by the Secretary to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate in 1991, illustrating the National Highway System, shall serve as the basis for the States in proposing arterials and highways for designation to such system. The Secretary may modify or revise such proposals and submit such modified or revised proposals to Congress for approval in accordance with paragraph (3).

"(C) A strategic highway network which is a network of highways which are important to the United States strategic defense policy and which provide defense access, continuity, and emergency capabilities for the movement of personnel, materiels, and equipment in both peace time and war time. Such highways may include highways on and off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States and be subject to approval by Congress in accordance with paragraph (3).

"(D) Major strategic highway network connectors which are highways that provide motor vehicle access between major military installations and highways which are part of the strategic highway network. Such highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States and subject to approval by Congress in accordance with paragraph (3).

"(3) Approval of designations.—

"(A) Proposed designations.—Not later than 2 years after the date of the enactment of this section, the Secretary shall submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a proposed National Highway System with a list and description of highways proposed to be designated to the National Highway System under this subsection and a map showing such proposed designations. In preparing the proposed system, the Secretary shall consult appropriate

local officials and shall use the functional reclassification of roads and streets carried out under subsection (c) of section 1006 of the Intermodal Surface Transportation Efficiency Act of 1991.

"(B) APPROVAL OF CONGRESS REQUIRED.—After September 30, 1995, no funds made available for carrying out this title may be apportioned for the National Highway System or the Interstate maintenance program under this title unless a law has been approved designating the National Highway System.

"(C) MAXIMUM MILEAGE.—For purposes of proposing highways for designation to the National Highway System, the mileage of highways on the National Highway System shall not exceed 155,000 miles; except that the Secretary may increase or decrease such maximum mileage by not to exceed 15 percent.

"(D) EQUITABLE ALLOCATIONS OF HIGHWAY MILEAGE.—In proposing highways for designation to the National Highway System, the Secretary shall provide for equitable allocation of highway mileage among the States.

"(4) INTERIM SYSTEM.—For fiscal years 1992, 1993, 1994, and 1995, highways classified as principal arterials by the States shall be treated as being on the National Highway System for purposes of this title."

(b) CONFORMING AMENDMENTS TO SECTION 103.—

(1) REPEAL OF FEDERAL-AID SECONDARY AND URBAN SYSTEMS.—Subsections (c) and (d) of such section are repealed.

(2) APPROVAL.—Subsection (f) of such section is amended—

(A) by striking "the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and"; and

(B) by striking the last sentence.

(c) FUNCTIONAL RECLASSIFICATION OF HIGHWAYS.—

(1) STATE ACTION.—Each State shall functionally reclassify the roads and streets in such State in accordance with such guidelines and time schedule as the Secretary may establish in order to carry out the objectives of this section, including the amendments made by this section.

(2) APPROVAL AND SUBMISSION TO CONGRESS.—Not later than September 30, 1993, the Secretary shall approve the functional reclassification of roads and streets made by the States pursuant to this subsection and shall submit a report to Congress containing such reclassification.

(3) STATE DEFINED.—In this subsection, the term "State" has the meaning such term has under section 101 of title 23, United States Code, and shall include the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Marianas.

(d) PROJECT ELIGIBILITY.—Section 103 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(i) ELIGIBLE PROJECTS FOR NHS.—Subject to project approval by the Secretary, funds apportioned to a State under section 104(b)(1)

for the National Highway System may be obligated for any of the following:

"(1) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of such system.

"(2) Operational improvements for segments of such system.

"(3) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System and construction of a transit project eligible for assistance under the Federal Transit Act—

"(A) if such highway or transit project is in the same corridor as, and in proximity to, a fully access controlled highway designated to the National Highway System;

"(B) if the construction or improvements will improve the level of service on the fully access controlled highway and improve regional travel; and

"(C) if the construction or improvements are more cost effective than an improvement to the fully access controlled highway that has benefits comparable to the benefits which will be achieved by the construction of, or improvements to, the highway not on the National Highway System.

"(4) Highway safety improvements for segments of the National Highway System.

"(5) Transportation planning in accordance with sections 134 and 135.

"(6) Highway research and planning in accordance with section 307.

"(7) Highway-related technology transfer activities.

"(8) Startup costs for traffic management and control if such costs are limited to the time period necessary to achieve operable status but not to exceed 2 years following the date of project approval, if such funds are not used to replace existing funds.

"(9) Fringe and corridor parking facilities.

"(10) Carpool and vanpool projects.

"(11) Bicycle transportation and pedestrian walkways in accordance with section 217.

"(12) Development and establishment of management systems under section 303.

"(13) In accordance with all applicable Federal law and regulations, participation in wetlands mitigation efforts related to projects funded under this title, which may include participation in wetlands mitigation banks; contributions to statewide and regional efforts to conserve, restore, enhance and create wetlands; and development of statewide and regional wetlands conservation and mitigation plans, including any such banks, efforts, and plans authorized pursuant to the Water Resources Development Act of 1990 (including crediting provisions). Contributions to such mitigation efforts may take place concurrent with or in advance of project construction. Contributions toward these efforts may occur in advance of project construction only if such efforts are consistent with all applicable requirements of Federal law and regulations and State transportation planning processes.".

(e) APPORTIONMENTS.—Section 104(b)(1) of such title is amended to read as follows:

"(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remaining 99 percent apportioned in the same ratio as funds are apportioned under paragraph (3).".

(f) TRANSFERABILITY.—Section 104 of such title is amended by striking subsection (c) and inserting the following new subsection:

"(c) TRANSFERABILITY OF NHS APPORTIONMENTS.—A State may transfer not to exceed 50 percent of the State's apportionment under subsection (b)(1) to the apportionment of the State under subsection (b)(3). A State may transfer not to exceed 100 percent of the State's apportionment under subsection (b)(1) to the apportionment of the State under subsection (b)(3) if the State requests to make such transfer and the Secretary approves such transfer as being in the public interest after providing notice and sufficient opportunity for public comment. Section 133(d) shall not apply to funds transferred under this subsection.".

(g) CONFORMING AMENDMENTS TO OTHER SECTIONS.—

(1) DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended by striking the paragraph relating to Federal-aid highways and inserting the following new paragraph:

"The term 'Federal-aid highways' means highways eligible for assistance under this chapter other than highways classified as local roads or rural minor collectors.".

(2) PREVAILING RATE OF WAGE.—Section 113(a) of such title is amended by striking "systems, the primary and secondary, as well as their extension in urban areas, and the Interstate System," and inserting "highways".

(h) NATIONAL DEFENSE HIGHWAYS LOCATED OUTSIDE THE UNITED STATES.—

(1) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for the reconstruction of such highway or portion of highway.

(2) FUNDING.—The Secretary may make available, from funds appropriated to construct the National System of Interstate and Defense Highways, not to exceed $20,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, and 1996 to carry out this subsection. Such sums shall remain available until expended.

SEC. 1007. SURFACE TRANSPORTATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 132 the following new section:

"§ 133. Surface transportation program

"(a) ESTABLISHMENT.—The Secretary shall establish a surface transportation program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—A State may obligate funds apportioned to it under section 104(b)(3) for the surface transportation program only for the following:

"(1) Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including Interstate highways) and bridges (including bridges on public roads of all functional classifications), including any such construction or reconstruction necessary to accommodate other transportation modes, and including the seismic retrofit and painting of and application of calcium magnesium acetate on bridges and approaches thereto and other elevated structures, mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project funded under this title.

"(2) Capital costs for transit projects eligible for assistance under the Federal Transit Act and publicly owned intracity or intercity bus terminals and facilities.

"(3) Carpool projects, fringe and corridor parking facilities and programs, and bicycle transportation and pedestrian walkways in accordance with section 217.

"(4) Highway and transit safety improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings.

"(5) Highway and transit research and development and technology transfer programs.

"(6) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

"(7) Surface transportation planning programs.

"(8) Transportation enhancement activities.

"(9) Transportation control measures listed in section 108(f)(1)(A) (other than clauses (xii) and (xvi)) of the Clean Air Act.

"(10) Development and establishment of management systems under section 303.

"(11) In accordance with all applicable Federal law and regulations, participation in wetlands mitigation efforts related to projects funded under this title, which may include participation in wetlands mitigation banks; contributions to statewide and regional efforts to conserve, restore, enhance and create wetlands; and development of statewide and regional wetlands conservation and mitigation plans, including any such banks, efforts, and plans authorized pursuant to the Water Resources Development Act of 1990 (including crediting provisions). Contributions to such mitigation efforts may take place concurrent with or in advance of project construction. Contributions toward these efforts may occur in advance of project construction only if such efforts are consistent with all applicable requirements of Federal law and regulations and State transportation planning processes.

"(c) LOCATION OF PROJECTS.—Except as provided in subsection (b)(1), surface transportation program projects (other than those described in subsections (b)(3) and (4)) may not be undertaken on roads functionally classified as local or rural minor collectors, unless such roads are on a Federal-aid highway system on January 1, 1991, and except as approved by the Secretary.

"(d) ALLOCATIONS OF APPORTIONED FUNDS.—

"(1) FOR SAFETY PROGRAMS.—10 percent of the funds apportioned to a State under section 104(b)(3) for the surface trans-

portation program for a fiscal year shall only be available for carrying out sections 130 and 152 of this title. Of the funds set aside under the preceding sentence, the State shall reserve in such fiscal year an amount of such funds for carrying out each such section which is not less than the amount of funds apportioned to the State in fiscal year 1991 under such section.

"(2) FOR TRANSPORTATION ENHANCEMENT ACTIVITIES.—10 percent of the funds apportioned to a State under section 104(b)(3) for a fiscal year shall only be available for transportation enhancement activities.

"(3) DIVISION BETWEEN URBANIZED AREAS OF OVER 200,000 POPULATION AND OTHER AREAS.—

"(A) GENERAL RULE.—Except as provided in subparagraphs (C) and (D), 62.5 percent of the remaining 80 percent of the funds apportioned to a State under section 104(b)(3) for a fiscal year shall be obligated under this section—

"(i) in urbanized areas of the State with an urbanized area population of over 200,000, and

"(ii) in other areas of the State,

in proportion to their relative share of the State's population. The remaining 37.5 percent may be obligated in any area of the State. Funds attributed to an urbanized area under clause (i) may be obligated in the metropolitan area established under section 134 which encompasses the urbanized area.

"(B) SPECIAL RULE FOR AREAS OF LESS THAN 5,000 POPULATION.—Of the amounts required to be obligated under subparagraph (A)(ii), the State shall obligate in areas of the State (other than urban areas with a population greater than 5,000) an amount which is not less than 110 percent of the amount of funds apportioned to the State for the Federal-aid secondary system for fiscal year 1991.

"(C) SPECIAL RULE FOR CERTAIN STATES.—In the case of a State in which—

"(i) greater than 80 percent of the population of the State is located in 1 or more metropolitan statistical areas, and

"(ii) greater than 80 percent of the land area of such State is owned by the United States,

the 62.5 percentage specified in the first sentence of subparagraph (A) shall be 35 percent and the percentage specified in the second sentence of subparagraph (A) shall be 65 percent.

"(D) NONCONTIGUOUS STATES EXEMPTION.—Subparagraph (A) shall not apply to any State which is noncontiguous with the continental United States.

"(E) DISTRIBUTION BETWEEN URBANIZED AREAS OF OVER 200,000 POPULATION.—The amount of funds which a State is required to obligate under subparagraph (A)(i) shall be obligated in urbanized areas described in subparagraph (A)(i) based on the relative population of such areas; except that the State may obligate such funds based on other factors if the State and the relevant metropolitan planning or-

ganizations jointly apply to the Secretary for the permission to do so and the Secretary grants the request.

"(4) Applicability of planning requirements.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135 of this title.

"(e) Administration.—

"(1) Noncompliance.—If the Secretary determines that a State or local government has failed to comply substantially with any provision of this section, the Secretary shall notify the State that, if the State fails to take corrective action within 60 days from the date of receipt of the notification, the Secretary will withhold future apportionments under section 104(b)(3) until the Secretary is satisfied that appropriate corrective action has been taken.

"(2) Certification.—The Governor of each State shall certify before the beginning of each quarter of a fiscal year that the State will meet all the requirements of this section and shall notify the Secretary of the amount of obligations expected to be incurred for surface transportation program projects during such quarter. A State may request adjustment to the obligation amounts later in each of such quarters. Acceptance of the notification and certification shall be deemed a contractual obligation of the United States for the payment of the surface transportation program funds expected to be obligated by the State in such quarter for projects not subject to review by the Secretary under this chapter.

"(3) Payments.—The Secretary shall make payments to a State of costs incurred by the State for the surface transportation program in accordance with procedures to be established by the Secretary. Payments shall not exceed the Federal share of costs incurred as of the date the State requests payments.

"(4) Population determinations.—The Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures for purposes of this section.

"(f) Allocation of Obligation Authority.—A State which is required to obligate in an urbanized area with an urbanized area population of over 200,000 under subsection (d) funds apportioned to it under section 104(b)(3) shall allocate during the 6-fiscal year period 1992 through 1997 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction for use in such area determined by multiplying—

"(1) the aggregate amount of funds which the State is required to obligate in such area under subsection (d) during such period; by

"(2) the ratio of the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction during such period to the total sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to an obligation limitation) during such period.".

(2) Conforming amendment.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 132 the following:

"133. Surface transportation program.".

(b) APPORTIONMENT OF SURFACE TRANSPORTATION PROGRAM FUNDS.—

(1) IN GENERAL.—Section 104(b)(3) of title 23, United States Code, is amended to read as follows:

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) GENERAL RULE.—For the surface transportation program in a manner so that a State's current percentage share of apportionments is equal to the State's 1987–1991 percentage share of apportionments. For purposes of this paragraph—

"(i) a State's current percentage share of apportionments is the State's percentage share of all funds apportioned for a fiscal year under paragraph (1) for the National Highway System, under section 144 for the bridge program, under paragraph (5)(B) for Interstate maintenance, and under this paragraph; and

"(ii) a State's 1987–1991 percentage share of apportionments is the State's percentage share of all apportionments and allocations under this title for fiscal years 1987, 1988, 1989, 1990, and 1991 (except apportionments and allocations for Interstate construction under sections 104(b)(5)(A) and 118, Interstate highway substitute under section 103(e)(4), Federal lands highways under section 202, and emergency relief under section 125, all allocations under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and the portion of allocations under section 157 (relating to minimum allocation) that would be attributable to apportionments made under Interstate construction and Interstate highway substitute programs under sections 104(b)(5)(A) and 103(e)(4), respectively, for such fiscal years if the minimum allocation percentage for such fiscal years had been 90 percent instead of 85 percent).

"(B) CALCULATION RULES.—In calculating a State's percentage share under this paragraph for the purpose of making apportionments for fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, each State shall be treated as having received ½ of 1 percent of all funds apportioned for the Interstate construction program under section 104(b)(5)(A) in fiscal years 1987, 1988, 1989, 1990, and 1991. Notwithstanding any other provision of this paragraph, in any fiscal year no State shall receive a percentage of total apportionments and allocations that is less than 70 percent of its percentage of total apportionments and allocations for fiscal years 1987, 1988, 1989, 1990, and 1991, except for those States that receive an apportionment for Interstate construction under paragraph (5)(A) of more than $50,000,000 for fiscal year 1992.".

(2) CONFORMING AMENDMENTS.—Section 104 of such title is further amended—

(A) in subsections (a) and (b) by striking "upon the Federal-aid systems" and inserting "on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, and the Interstate System";

(B) in subsection (b) by striking "paragraphs (4) and (5)" and inserting "paragraph (5)(A)"; and

(C) in subsection (b) by striking "and sections 118(c) and 307(d)" and inserting "and section 307".

(c) TRANSPORTATION ENHANCEMENT ACTIVITIES DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following new paragraph:

"The term 'transportation enhancement activities' means, with respect to any project or the area to be served by the project, provision of facilities for pedestrians and bicycles, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs, landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, and mitigation of water pollution due to highway runoff.".

SEC. 1008. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 149 of title 23, United States Code, is amended to read as follows:

"§ 149. Congestion mitigation and air quality improvement program

"(a) ESTABLISHMENT.—The Secretary shall establish a congestion mitigation and air quality improvement program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—Except as provided in subsection (c), a State may obligate funds apportioned to it under section 104(b)(2) for the congestion mitigation and air quality improvement program only for a transportation project or program—

"(1)(A) if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines, on the basis of information published by the Environmental Protection Agency pursuant to section 108(f) (1)(A) of the Clean Air Act (other than clauses (xii) and (xvi) of such section), that the project or program is likely to contribute to the attainment of a national ambient air quality standard; or

"(B) in any case in which such information is not available, if the Secretary, after such consultation, determines that the project or program is part of a program, method, or strategy described in such section;

"(2) if the project or program is included in a State implementation plan that has been approved pursuant to the Clean Air Act and the project will have air quality benefits; or

"(3) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the

project or program is likely to contribute to the attainment of a national ambient air quality standard, whether through reductions in vehicle miles traveled, fuel consumption, or through other factors.

No funds may be provided under this section for a project which will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high occupancy vehicle facility available to single occupant vehicles only at other than peak travel times.

"(c) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have a nonattainment area for ozone or carbon monoxide under the Clean Air Act located within its borders, the State may use funds apportioned to it under section 104(b)(2) for any project eligible for assistance under the surface transportation program.

"(d) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135 of this title.".

(b) APPORTIONMENT.—Section 104(b)(2) of such title is amended to read as follows:

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program, in the ratio which the weighted nonattainment area population of each State bears to the total weighted nonattainment area population of all States. The weighted nonattainment area population shall be calculated by multiplying the population of each area within any State that is a nonattainment area (as defined in the Clean Air Act) for ozone by a factor of—

"(A) 1.0 if the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act;

"(B) 1.1 if the area is classified as a moderate ozone nonattainment area under such subpart;

"(C) 1.2 if the area is classified as a serious ozone nonattainment area under such subpart;

"(D) 1.3 if the area is classified as a severe ozone nonattainment area under such subpart; or

"(E) 1.4 if the area is classified as an extreme ozone nonattainment area under such subpart.

If the area is also classified under subpart 3 of part D of title I of such Act as a nonattainment area for carbon monoxide, for purposes of calculating the weighted nonattainment area population, the weighted nonattainment area population of the area, as determined under the preceding provisions of this paragraph, shall be further multiplied by a factor of 1.2. Notwithstanding any provision of this paragraph, in the case of States with a total 1990 census population of 15,000,000 or greater, the amount apportioned under this paragraph in a fiscal year to all of such States in the aggregate, shall be distributed among such States based on their relative populations; except that none of such States shall be distributed more than 42 percent of the aggregate amount so apportioned to all of such States. Notwithstanding any other provision of this paragraph, each State *shall receive a minimum apportionment of ½ of 1 percent of the funds apportioned made under this paragraph. The Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".*

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking

"149. Truck lanes."

and inserting

"149. Congestion mitigation and air quality improvement program.".

SEC. 1009. INTERSTATE MAINTENANCE PROGRAM.

(a) LIMITATION ON NEW CAPACITY.—Section 119 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(g) LIMITATION ON NEW CAPACITY.—Notwithstanding any other provision of this title, the portion of the cost of any project undertaken pursuant to this section that is attributable to the expansion of the capacity of any Interstate highway or bridge, where such new capacity consists of one or more new travel lanes that are not high-occupancy vehicle lanes or auxiliary lanes, shall not be eligible for funding under this section.".

(b) ADEQUATE MAINTENANCE OF THE INTERSTATE SYSTEM.—Section 119(f) of such title is amended by inserting after "Interstate System routes and" the following: "the State is adequately maintaining the Interstate System and".

(c) GUIDANCE TO THE STATES.—The Secretary shall develop and make available to the States criteria for determining—

(1) what share of any project funded under section 119 of title 23, United States Code, is attributable to the expansion of the capacity of an Interstate highway or bridge; and

(2) what constitutes adequate maintenance of the Interstate System for the purposes of section 119(f)(1) of title 23, United States Code.

(d) NONCHARGEABLE SEGMENTS.—Section 104(b)(5)(B) of title 23, United States Code, is amended by inserting "and routes on the Interstate System designated under section 139(a) of this title before March 9, 1984," after "under sections 103 and 139(c) of this title" each place it appears.

(e) CONFORMING AMENDMENTS.—

(1) NEW HEADING.—The heading for section 119 of such title is amended to read as follows:

"§ 119. Interstate maintenance program".

(2) ANALYSIS.—The analysis for chapter 1 of such title is amended by striking

"119. Interstate System resurfacing."

and inserting

"119. Interstate maintenance program.".

(3) ELIGIBLE ACTIVITIES.—Section 119(c) of such title is amended to read as follows:

"(c) ELIGIBLE ACTIVITIES.—Activities authorized in subsection (a) may include the reconstruction of bridges, interchanges, and over

crossings along existing Interstate routes, including the acquisition of right-of-way where necessary, but shall not include the construction of new travel lanes other than high occupancy vehicle lanes or auxiliary lanes.".

(4) PREVENTIVE MAINTENANCE.—Section 119(e) of such title is amended to read as follows:

"(e) PREVENTIVE MAINTENANCE.—Preventive maintenance activities shall be eligible under this section when a State can demonstrate, through its pavement management system, that such activities are a cost-effective means of extending Interstate pavement life.".

(5) MISCELLANEOUS.—Section 119 of such title is amended—

(A) in subsection (a) by striking ", rehabilitating, and reconstructing" and inserting "and rehabilitating";

(B) in subsection (a) by striking the last sentence;

(C) in the heading for subsection (f) by striking "PRIMARY SYSTEM" and inserting "SURFACE TRANSPORTATION PROGRAM";

(D) in subsection (f)(1) by striking "rehabilitating, or reconstructing" and inserting "or rehabilitating"; and

(E) in subsection (f) by striking "section 104(b)(1)" each place it appears and inserting "sections 104(b)(1) and 104(b)(3)".

SEC. 1010. OPERATION LIFESAVER; HIGH SPEED RAIL CORRIDORS.

Section 104(d) of title 23, United States Code, is amended to read as follows:

"(d) OPERATION LIFESAVER AND HIGH SPEED RAIL CORRIDORS.—

"(1) OPERATION LIFESAVER.—The Secretary shall expend, from administrative funds deducted under subsection (a), $300,000 for each fiscal year for carrying out a public information and education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.

"(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—(A) Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $5,000,000 of the funds authorized to be appropriated for the surface transportation program for such fiscal year for elimination of hazards of railway-highway crossings in not to exceed 5 railway corridors selected by the Secretary in accordance with the criteria set forth in this paragraph.

"(B) A corridor selected by the Secretary under subparagraph (A) must include rail lines where railroad speeds of 90 miles per hour are occurring or can reasonably be expected to occur in the future.

"(3) In making the determination required by paragraph (2)(A), the Secretary shall consider projected rail ridership volumes in such corridors, the percentage of the corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line, projected benefits to nonriders such as congestion relief on other modes of transportation serving the corridors (including congestion in heavily traveled air passenger corridors), the amount of State and

local financial support that can reasonably be anticipated for the improvement of the line and related facilities, and the cooperation of the owner of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in such corridors."

SEC. 1011. SUBSTITUTE PROGRAM.

(a) HIGHWAY PROJECTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 103(e)(4)(G) of title 23, United States Code, is amended—

(A) by striking "and" the next to the last place it appears;

(B) by inserting before the period at the end the following: ", $240,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, and 1995"; and

(C) by adding at the end the following: "Such sums may be obligated for transit substitute projects under this paragraph.".

(2) DISTRIBUTION.—Section 103(e)(4)(H) of such title is amended—

(A) by adding at the end of clause (i) the following new sentence: "For each of fiscal years 1992, 1993, 1994, and 1995, all funds made available by subparagraph (G) shall be apportioned in accordance with cost estimates adjusted by the Secretary.";

(B) in clause (iii), by striking "1988, 1989, 1990, AND 1991 APPORTIONMENTS" and inserting "1988–1995 APPORTIONMENTS"; and

(C) by striking "and 1991." and inserting "1991, 1992, 1993, 1994, and 1995.".

(b) TRANSIT PROJECTS.—Section 103(e)(4)(J) of such title is amended—

(1) in clause (i) by inserting after "1983," the following: "and ending before October 1, 1991";

(2) by adding at the end of clause (i) the following new sentence: "100 percent of funds appropriated for each of fiscal years 1992 and 1993 shall be apportioned in accordance with cost estimates adjusted by the Secretary.";

(3) in clause (iii) by striking "1988, 1989, 1990, AND 1991 APPORTIONMENTS" and inserting "1988–1993 APPORTIONMENTS"; and

(4) by striking "and 1991." and inserting "1991, 1992, and 1993.".

(c) PERIOD OF AVAILABILITY.—Section 103(e)(4)(E)(i) of such title is amended by adding at the end the following new sentence: "In the case of funds authorized to be appropriated for substitute transit projects under this paragraph for fiscal year 1993 and for substitute highway projects under this paragraph for fiscal year 1995, such funds shall remain available until expended.".

SEC. 1012. TOLL ROADS, BRIDGES, AND TUNNELS.

(a) NEW PROGRAM.—Section 129(a) of title 23, United States Code, is amended to read as follows:

"(a) BASIC PROGRAM.—

"(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Notwithstanding section 301 of this title and subject to the provisions of

this section, the Secretary shall permit Federal participation in—

“(A) initial construction of a toll highway, bridge, or tunnel (other than a highway, bridge, or tunnel on the Interstate System) or approach thereto;

“(B) reconstructing, resurfacing, restoring, and rehabilitating a toll highway, bridge, or tunnel (including a toll highway, bridge, or tunnel subject to an agreement entered into under this section or section 119(e) as in effect on the day before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991) or approach thereto;

“(C) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

“(D) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility; and

“(E) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under subparagraph (A), (B), (C), or (D);

on the same basis and in the same manner as in the construction of free highways under this chapter.

“(2) Ownership.—Each highway, bridge, tunnel, or approach thereto constructed under this subsection must—

“(A) be publicly owned, or

“(B) be privately owned if the public authority having jurisdiction over the highway, bridge, tunnel, or approach has entered into a contract with a private person or persons to design, finance, construct, and operate the facility and the public authority will be responsible for complying with all applicable requirements of this title with respect to the facility.

“(3) Limitations on use of revenues.—Before the Secretary may permit Federal participation under this subsection in construction of a highway, bridge, or tunnel located in a State, the public authority (including the State transportation department) having jurisdiction over the highway, bridge, or tunnel must enter into an agreement with the Secretary which provides that all toll revenues received from operation of the toll facility will be used first for debt service, for reasonable return on investment of any private person financing the project, and for the costs necessary for the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation. If the State certifies annually that the tolled facility is being adequately maintained, the State may use any toll revenues in excess of amounts required under the preceding sentence for any purpose for which Federal funds may be obligated by a State under this title.

“(4) Special rule for funding.—In the case of a toll highway, bridge, or tunnel under the jurisdiction of a public authority of a State (other than the State transportation department), upon request of the State transportation department and subject to such terms and conditions as such department and public

authority may agree, the Secretary shall reimburse such public authority for the Federal share of the costs of construction of the project carried out on the toll facility under this subsection in the same manner and to the same extent as such department would be reimbursed if such project was being carried out by such department. The reimbursement of funds under this paragraph shall be from sums apportioned to the State under this chapter and available for obligations on projects on the Federal-aid system in such State on which the project is being carried out.

"(5) LIMITATION ON FEDERAL SHARE.—Except as otherwise provided in this paragraph, the Federal share payable for construction of a highway, bridge, tunnel, or approach thereto or conversion of a highway, bridge, or tunnel to a toll facility under this subsection shall be such percentage as the State determines but not to exceed 50 percent. The Federal share payable for construction of a new bridge, tunnel, or approach thereto or for reconstruction or replacement of a bridge, tunnel, or approach thereto shall be such percentage as the Secretary determines but not to exceed 80 percent. In the case of a toll facility subject to an agreement under section 119 or 129, the Federal share payable on any project for resurfacing, restoring, rehabilitating, or reconstructing such facility shall be 80 percent until the scheduled expiration of such agreement (as in effect on the day before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991).

"(6) MODIFICATIONS.—If a public authority (including a State transportation department) having jurisdiction over a toll highway, bridge, or tunnel subject to an agreement under this section or section 119(e), as in effect on the day before the effective date of title I of the Intermodal Surface Transportation Efficiency Act of 1991, requests modification of such agreement, the Secretary shall modify such agreement to allow the continuation of tolls in accordance with paragraph (3) without repayment of Federal funds.

"(7) LOANS.—A State may loan all or part of the Federal share of a toll project under this section to a public or private agency constructing a toll facility. Such loan may be made only after all Federal environmental requirements have been complied with and permits obtained. The amount loaned shall be subordinated to other debt financing for the facility except for loans made by the State or any other public agency to the agency constructing the facility. Funds loaned pursuant to this section may be obligated for projects eligible under this section. The repayment of any such loan shall commence not more than 5 years after the facility has opened to traffic. Any such loan shall bear interest at the average rate the State's pooled investment fund earned in the 52 weeks preceding the start of repayment. The term of any such loan shall not exceed 30 years from the time the loan was obligated. Amounts repaid to a State from any loan made under this section may be obligated for any purpose for which the loaned funds were available. The Secretary shall establish procedures and guidelines for making such loans.

"(8) Initial construction defined.—For purposes of this subsection, the term 'initial construction' means the construction of a highway, bridge, or tunnel at any time before it is open to traffic and does not include any improvement to a highway, bridge, or tunnel after it is open to traffic.".

(b) Congestion Pricing Pilot Program.—(1) The Secretary shall solicit the participation of State and local governments and public authorities for one or more congestion pricing pilot projects. The Secretary may enter into cooperative agreements with as many as 5 such State or local governments or public authorities to establish, maintain, and monitor congestion pricing projects.

(2) Notwithstanding section 129 of title 23, United States Code, the Federal share payable for such programs shall be 80 percent. The Secretary shall fund all of the development and other start up costs of such projects, including salaries and expenses, for a period of at least 1 year, and thereafter until such time that sufficient revenues are being generated by the program to fund its operating costs without Federal participation, except that the Secretary may not fund any project for more than 3 years.

(3) Revenues generated by any pilot project under this subsection must be applied to projects ~~eligible under~~ such title.

(4) Notwithstanding sections 129 and 301 of title 23, United States Code, the Secretary shall allow the use of tolls on the Interstate System as part of a pilot program under this section, but not on more than 3 of such programs.

(5) The Secretary shall monitor the effect of such projects for a period of at least 10 years, and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives every 2 years on the effects such programs are having on driver behavior, traffic, volume, transit ridership, air quality, and availability of funds for transportation programs.

(6) Of the sums made available to the Secretary pursuant to section 104(a) of title 23, United States Code, not to exceed $25,000,000 shall be made available each fiscal year to carry out the requirements of this subsection. Not more than $15,000,000 of such amounts shall be made available to carry out each pilot project under this section.

(c) Elimination of Public Operation Requirement for Toll Ferries.—Section 129 of such title is amended—

(1) by striking subsections (b), (c), (d), (e), (h), (i), and (k);

(2) by redesignating subsections (f), (g), and (j) as subsections (b), (c), and (d), respectively;

(3) in subsection (c) as so redesignated by inserting "and ferry terminal facilities" after "boats";

(4) in subsection (c) as so redesignated by striking paragraph (3) and inserting the following:

"(3) Such ferry boat or ferry terminal facility shall be publicly owned."; and

(5) in subsection (c)(4) as so redesignated—

(A) by inserting "or other public entity" after "State"; and

(B) by inserting before the period at the end the following: ", debt service, negotiated management fees, and, in

the case of a privately operated toll ferry, for a reasonable rate of return".

(d) CONTINUATION OF EXISTING AGREEMENTS.—Unless modified under section 129(a)(6) of such title, as amended by subsection (a) of this section, agreements entered into under section 119(e) or 129 of such title before the effective date of this title and in effect on the day before such effective date shall continue in effect on and after such effective date in accordance with the provisions of such agreement and such section 119(e) or 129.

(e) SPECIAL RULE FOR CERTAIN EXISTING TOLL FACILITY AGREEMENTS.—Notwithstanding sections 119 and 129 of title 23, United States Code, at the request of the non-Federal parties to a toll facility agreement reached before October 1, 1991, regarding the New York State Thruway or the Fort McHenry Tunnel under section 105 of the Federal-Aid Highway Act of 1978 or section 129 of title 23, United States Code (as in effect on the day before the date of the enactment of this Act), the Secretary shall allow for the continuance of tolls without repayment of Federal funds. Revenues collected from such tolls, after the date of such request, in excess of revenues needed for debt service and the actual costs of operation and maintenance shall be available for (1) any transportation project eligible for assistance under title 23, United States Code, or (2) costs associated with transportation facilities under the jurisdiction of such non-Federal party, including debt service and costs related to the construction, reconstruction, restoration, repair, operation and maintenance of such facilities.

(f) VOIDING OF CERTAIN AGREEMENTS FOR I-78 DELAWARE RIVER BRIDGE.—Upon the joint request of the State of Pennsylvania, the State of New Jersey, and the Delaware River Joint Toll Bridge Commission, and upon such parties entering into a new agreement with the Secretary regarding the bridge on Interstate Route 78 which crosses the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, the Secretary shall void any agreement entered into with such parties with respect to the bridge before the effective date of this subsection under section 129(a), 129(d), or 129(e) of title 23, United States Code. The new agreement referred to in the preceding sentence shall permit the continuation of tolls without repayment of Federal funds and shall provide that all toll revenues received from operation of the bridge will be used—

(1) first for repayment of the non-Federal cost of construction of the bridge (including debt service);

(2) second for the costs necessary for the proper operation and maintenance of the bridge, including resurfacing, restoration, and rehabilitation; and

(3) to the extent that toll revenues exceed the amount necessary for paragraphs (1) and (2), such excess may be used with respect to any other bridge under the jurisdiction of the Delaware River Joint Toll Bridge Commission.

(g) BRIDGE CONNECTING PENNSYLVANIA TURNPIKE SYSTEM AND NEW JERSEY TURNPIKE.—Section 3 of the Act of October 26, 1951 (65 Stat. 653), is amended by striking ": Provided," and all that follows before the period.

SEC. 1013. MINIMUM ALLOCATION.

(a) General Rule.—Section 157(a) of title 23, United States Code, is amended—

(1) in paragraph (3) by striking "Thereafter" and inserting "Fiscal Years 1989–1991";

(2) in paragraph (3) by striking "and each fiscal year thereafter," and inserting ", 1990, and 1991"; and

(3) by adding at the end the following new paragraph:

"(4) Thereafter.—In fiscal year 1992 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Interstate construction, Interstate maintenance, Interstate highway substitute, National Highway System, surface transportation program, bridge program, scenic byways, and grants for safety belts and motorcycle helmets shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.".

(b) Conforming Amendments.—Section 157(b) of such title is amended—

(1) by striking "primary, secondary," and inserting "National Highway, surface transportation program,";

(2) by striking "urban," and inserting "congestion mitigation and air quality improvement program,";

(3) by striking "replacement and rehabilitation"; and

(4) by inserting after the first sentence the following: "½ of the amounts allocated pursuant to subsection (a) after September 30, 1991, shall be subject to section 133(d)(3) of this title.".

(c) Donor State Bonus Amounts.—

(1) Funding.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the payment of donor State bonus amounts the following amounts for the following fiscal years:

(A) For fiscal year 1992 $429,000,000.

(B) For fiscal year 1993 $514,000,000.

(C) For fiscal year 1994 $514,000,000.

(D) For fiscal year 1995 $514,000,000.

(E) For fiscal year 1996 $514,000,000.

(F) For fiscal year 1997 $515,000,000.

(2) Apportionment.—

(A) Formula.—The bonus apportionments which are provided under this subsection for a fiscal year shall be apportioned in such a way as to bring each successive State, or States, with the lowest dollar return on dollar projected to be contributed into the Highway Trust Fund for such fiscal year, up to the highest common return on contributed dollar that can be funded with the annual authorizations provided under this subsection.

(B) Applicability of chapter 1 of title 23.—Funds apportioned under this subsection shall be available for obligation in the same manner and for the same purposes as if

such funds were apportioned for the surface transportation program under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended. 1/2 of the amounts apportioned under this subsection shall be subject to section 133(d)(3) of title 23, United States Code, as added by this Act.

SEC. 1014. REIMBURSEMENT FOR SEGMENTS OF THE INTERSTATE SYSTEM CONSTRUCTED WITHOUT FEDERAL ASSISTANCE.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§160. Reimbursement for segments of the Interstate System constructed without Federal assistance

"(a) GENERAL AUTHORITY.—The Secretary shall allocate to the States in each of fiscal years 1996 and 1997 amounts determined under subsection (b) for reimbursement of their original contributions to construction of segments of the Interstate System which were constructed without Federal financial assistance.

"(b) DETERMINATION OF REIMBURSEMENT AMOUNT.—The amount to be reimbursed to a State in each of fiscal years 1996 and 1997 under this section shall be determined by multiplying the amount made available for carrying out this section for such fiscal year by the reimbursement percentage set forth in the table contained in subsection (c).

"(c) REIMBURSEMENT TABLE.—For purposes of carrying out this section, the reimbursement percentage, the original cost for constructing the Interstate System, and the total reimbursable amount for each State is set forth in the following table:

States	Original cost in millions	Reimbursement percentage	Reimbursable amount in millions
Alabama	$9	0.50	$147
Alaska		.50	147
Arizona	20	.50	147
Arkansas	6	.50	147
California	298	5.42	1,591
Colorado	23	.50	147
Connecticut	314	5.71	1,676
Delaware	39	0.71	209
Florida	31	.56	164
Georgia	46	.84	246
Hawaii		.50	147
Idaho	5	.50	147
Illinois	475	8.62	2,533
Indiana	167	3.03	892
Iowa	5	.50	147
Kansas	101	1.84	540
Kentucky	32	.57	169
Louisiana	22	.50	147
Maine	38	.69	204
Maryland	154	2.79	820
Massachusetts	283	5.14	1,511
Michigan	228	4.14	1,218
Minnesota	16	.50	147
Mississippi	6	.50	147
Missouri	74	1.35	396

States	Original cost in millions	Reimbursement percentage	Reimbursable amount in millions
Montana	5	.50	147
Nebraska	1	.50	147
Nevada	2	.50	147
New Hampshire	8	.50	147
New Jersey	353	6.41	1,882
New Mexico	8	.50	147
New York	929	16.88	4,960
North Carolina	36	.65	191
North Dakota	3	.50	147
Ohio	257	4.68	1,374
Oklahoma	91	1.66	486
Oregon	78	1.42	417
Pennsylvania	354	6.43	1,888
Rhode Island	12	.50	147
South Carolina	4	.50	147
South Dakota	5	.50	147
Tennessee	7	.50	147
Texas	200	3.64	1,069
Utah	6	.50	147
Vermont	1	.50	147
Virginia	111	2.01	591
Washington	73	1.32	389
West Virginia	5	.50	147
Wisconsin	8	.50	147
Wyoming	9	.50	147
D.C.	9	.50	147
Totals	4,967	100.00	29,384

"(d) TRANSFER OF REIMBURSABLE AMOUNTS TO STP APPORTIONMENT.—Subject to subsection (e) of this section, the Secretary shall transfer amounts allocated to a State pursuant to this section to the apportionment of such State under section 104(b)(3) for the surface transportation program.

"(e) LIMITATION ON APPLICABILITY OF CERTAIN REQUIREMENTS OF STP PROGRAM.—The following provisions of section 133 of this title shall not apply to ½ of the amounts transferred under subsection (d) to the apportionment of the State for the surface transportation program:

"(1) Subsection (d)(1).

"(2) Subsection (d)(2).

"(3) Subsection (d)(3).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), $2,000,000,000 per fiscal year for each of fiscal years 1996 and 1997 to carry out this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following new item:

"160. Reimbursement for segments of the Interstate System constructed without Federal assistance."

(c) KANSAS PROJECTS.—

(1) UNITED STATES ROUTE 50.—The State of Kansas shall obligate in fiscal year 1996 $24,440,000 to construct the Hutchinson Bypass between United States Route 50 and Kansas Route 96 in

the vicinity of Hutchinson, Kansas. Such funds shall be obligated from amounts allocated to the State of Kansas for fiscal year 1996 under section 160 of title 23, United States Code.

(2) UNITED STATES ROUTE 91.—The State of Kansas shall obligate in fiscal years 1996 and 1997 such sums as may be necessary to widen United States Route 91 from Belleville, Kansas, to the Nebraska border. Such funds shall be obligated from amounts allocated to the State of Kansas for fiscal years 1996 and 1997 under such section.

(3) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Sections 160(d) and 133(d)(3) of title 23, United States Code, shall not apply to funds allocated to the State of Kansas for fiscal years 1996 and 1997.

SEC. 1015. APPORTIONMENT ADJUSTMENTS.

(a) HOLD HARMLESS.—

(1) GENERAL RULE.—The amount of funds which, but for this subsection, would be apportioned to a State for each of the fiscal years 1992 through 1997 under section 104(b)(3) of title 23, United States Code, for the surface transportation program shall be increased or decreased by an amount which, when added to or subtracted from the aggregate amount of funds apportioned to the State for such fiscal year and funds allocated to the State for the prior fiscal year under section 104(b) of such title, section 103(e)(4) for Interstate highway substitute, section 144 of such title, section 157 of such title, under section 202 of such title for the Federal lands highways program, section 160 of such title for the reimbursement program, and section 1013(c) of this Act for the donor State bonus program, will result in the percentage of amounts so apportioned and allocated to all States being equal to the percentage listed for such State in paragraph (2).

(2) STATE PERCENTAGES.—For purposes of paragraph (1) the percentage of amounts apportioned and allocated which are referred to in paragraph (1) for each State and the District of Columbia shall be determined in accordance with the following table:

States:	*Adjustment Percentage*
Alabama	*1.74*
Alaska	*1.28*
Arizona	*1.49*
Arkansas	*1.20*
California	*9.45*
Colorado	*1.35*
Connecticut	*1.78*
Delaware	*0.41*
District of Columbia	*0.53*
Florida	*4.14*
Georgia	*2.97*
Hawaii	*0.57*
Idaho	*0.69*
Illinois	*3.72*
Indiana	*2.20*
Iowa	*1.25*
Kansas	*1.14*
Kentucky	*1.52*

	Adjustment
Louisiana	*1.55*
Maine	*0.50*
Maryland	*1.69*
Massachusetts	*4.36*
Michigan	*2.81*
Minnesota	*1.58*
Mississippi	*1.15*
Missouri	*2.23*
Montana	*0.97*
Nebraska	*0.83*
Nevada	*0.64*
New Hampshire	*0.48*
New Jersey	*2.87*
New Mexico	*1.08*
New York	*5.37*
North Carolina	*2.65*
North Dakota	*0.62*
Ohio	*3.73*
Oklahoma	*1.42*
Oregon	*1.26*
Pennsylvania	*4.38*
Rhode Island	*0.54*
South Carolina	*1.41*
South Dakota	*0.71*
Tennessee	*2.08*
Texas	*6.36*
Utah	*0.77*
Vermont	*0.44*
Virginia	*2.27*
Washington	*2.06*
West Virginia	*0.94*
Wisconsin	*1.70*
Wyoming	*0.67*

(b) 90 Percent of Payment Adjustments.—

(1) General rule.—For each of fiscal years 1992 through 1997, the Secretary shall allocate among the States amounts sufficient to ensure that a State's total apportionments for such fiscal year and allocations for the prior fiscal year under section 104(b) of such title, section 103(e)(4) for Interstate highway substitute, section 144 of such title, section 157 of such title, section 202 of such title for the Federal lands highways program, section 1013(c) of this Act for the donor State bonus program, section 160 of such title for the reimbursement program, and subsection (a) of this section for hold harmless is not less than 90 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than Mass Transit Account) in the latest fiscal year in which data is available.

(2) Transfer of allocated amounts to STP apportionment.—Subject to subsection (d) of this section, the Secretary shall transfer amounts allocated to a State pursuant to paragraph (1) to the apportionment of such State under section 104(b)(3) for the surface transportation program.

(c) Additional Allocation.—Subject to subsection (d) of this section, the Secretary shall allocate to the State of Wisconsin $40,000,000 for fiscal year 1992 and $47,800,000 for each of fiscal years 1993 through 1997 and transfer such amounts to the apportionment of such State under section 104(b)(3) of title 23, United States Code, for the surface transportation program.

(d) Limitation on Applicability of Certain Requirements of STP Program.—The following provisions of section 133 of title 23, United States Code, shall not apply to ½ of the amounts added under subsection (a) to the apportionment of the State for the surface transportation program and of amounts transferred under subsections (b) and (c) to such apportionment:

(1) Subsection (d)(1).

(2) Subsection (d)(2).

(3) Subsection (d)(3).

(e) Authorization of Appropriations.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section such sums as may be necessary for each of fiscal years 1992 through 1997.

SEC. 1016. PROGRAM EFFICIENCIES.

(a) HOV Passenger Requirements; Engineering Cost Reimbursement.—Section 102 of title 23, United States Code, is amended to read as follows:

"§ 102. Program efficiencies

"(a) HOV Passenger Requirements.—A State highway department shall establish the occupancy requirements of vehicles operating in high occupancy vehicle lanes; except that no fewer than 2 occupants per vehicle may be required and, subject to section 163 of the Surface Transportation Assistance Act of 1982, motorcycles and bicycles shall not be considered single occupant vehicles.

"(b) Engineering Cost Reimbursement.—If on-site construction of, or acquisition of right-of-way for, a highway project is not commenced within 10 years after the date on which Federal funds are first made available, out of the Highway Trust Fund (other than Mass Transit Account), for preliminary engineering of such project, the State shall pay an amount equal to the amount of Federal funds made available for such engineering. The Secretary shall deposit in such Fund all amounts paid to the Secretary under this section.".

(b) Project Approval.—Section 106 of such title is amended—

(1) in subsection (a) by inserting "this section and" before "section 117"; and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) Special Rules.—

"(1) 3R projects on NHS.—Notwithstanding any other provision of this title, a State highway department may approve, on a project by project basis, plans, specifications, and estimates for projects to resurface, restore, and rehabilitate highways on the National Highway System if the State certifies that all work will meet or exceed the standards approved by the Secretary under section 109(c).

"(2) Non-NHS projects and low-cost NHS projects.—Any State may request that the Secretary no longer review and approve plans, specifications, and estimates for any project (including any highway project on the National Highway System with an estimated construction cost of less than $1,000,000 but excluding any other highway project on the National Highway

System). After receiving any such notification, the Secretary shall undertake project review only as requested by the State.

"(3) Safety considerations.—Safety considerations for projects subject to this subsection may be met by phase construction consistent with an operative safety management system established in accordance with section 303.".

(c) Standards.—Section 109(c) of such title is amended to read as follows:

"(c) Design and Construction Standards for NHS.—Design and construction standards to be adopted for new construction on the National Highway System, for reconstruction on the National Highway System, and for resurfacing, restoring, and rehabilitating multilane limited access highways on the National Highway System shall be those approved by the Secretary in cooperation with the State highway departments. All eligible work for such projects shall meet or exceed such standards.".

(d) Compliance With State Laws for Non-NHS Projects.—Section 109 of such title is amended by adding at the end the following new subsection:

"(p) Compliance With State Laws for Non-NHS Projects.—Projects (other than highway projects on the National Highway System) shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.".

(e) Historic and Scenic Values.—Section 109 of such title is amended by adding at the end the following new subsection:

"(q) Historic and Scenic Values.—If a proposed project under sections 103(e)(4), 133, or 144 involves a historic facility or is located in an area of historic or scenic value, the Secretary may approve such project notwithstanding the requirements of subsections (a) and (b) of this section and section 133(c) if such project is designed to standards that allow for the preservation of such historic or scenic value and such project is designed with mitigation measures to allow preservation of such value and ensure safe use of the facility.".

(f) Conforming Amendments.—

(1) Standards.—Section 109 of such title is amended—

(A) in subsection (a) by striking "projects on any Federal-aid system" and inserting "highway projects under this chapter"; and

(B) in subsection (l)(1) by striking "Federal-aid system" and inserting "Federal-aid highway".

(2) Certification acceptance.—Section 117 of such title is amended—

(A) in subsection (a) by striking "on Federal-aid systems, except" and inserting "under this chapter, except projects on";

(B) in subsection (a) by inserting "or other transportation" before "construction,";

(C) by striking subsection (b) and inserting the following: "(b) The Secretary may accept projects based on inspections of a type and frequency necessary to ensure the projects are completed in accordance with appropriate standards."; and

(D) in subsection (e) by inserting ", section 106(b), section 133, and section 149" after "in this section".

(3) CHAPTER ANALYSIS.—The analysis of chapter 1 of such title, is amended by striking

"102. Authorizations."

and inserting

"102. Program efficiencies.".

(g) LIMITATION ON CERTAIN EXPENDITURES.—No Federal funds may be expended for any highway project on any portion of the scenic highway known as "Ministerial Road" between route 138 and route 1 in the State of Rhode Island unless the Governor of such State and the town council of the town of South Kingstown, Rhode Island, first agree to the design.

SEC. 1017. ACQUISITION OF RIGHTS-OF-WAY.

(a) RIGHT-OF-WAY REVOLVING FUND.—Sections 108(a) and 108(c)(3) of title 23, United States Code, are each amended by striking "ten" and inserting "20".

(b) EARLY ACQUISITION OF RIGHTS-OF-WAY.—Section 108 of such title is further amended by adding at the end the following new subsection:

"(d) EARLY ACQUISITION OF RIGHTS-OF-WAY.—

"(1) GENERAL RULE.—Subject to paragraph (2), funds apportioned to a State under this title may be used to participate in the payment of—

"(A) costs incurred by the State for acquisition of rights-of-way, acquired in advance of any Federal approval or authorization, if the rights-of-way are subsequently incorporated into a project eligible for surface transportation program funds; and

"(B) costs incurred by the State for the acquisition of land necessary to preserve environmental and scenic values.

"(2) TERMS AND CONDITIONS.—The Federal share payable of the costs described in paragraph (1) shall be eligible for reimbursement out of funds apportioned to a State under this title when the rights-of-way acquired are incorporated into a project eligible for surface transportation program funds, if the State demonstrates to the Secretary and the Secretary finds that—

"(A) any land acquired, and relocation assistance provided, complied with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

"(B) the requirements of title VI of the Civil Rights Act of 1964 have been complied with;

"(C) the State has a mandatory comprehensive and coordinated land use, environment, and transportation planning process under State law and the acquisition is certified by the Governor as consistent with the State plans before the acquisition;

"(D) the acquisition is determined in advance by the Governor to be consistent with the State transportation planning process pursuant to section 135 of this title;

"(E) the alternative for which the right-of-way is acquired is selected by the State pursuant to regulations to be

issued by the Secretary which provide for the consideration of the environmental impacts of various alternatives;

"(F) before the time that the cost incurred by a State is approved for Federal participation, environmental compliance pursuant to the National Environmental Policy Act has been completed for the project for which the right-of-way was acquired by the State, and the acquisition has been approved by the Secretary under this Act, and in compliance with section 4(f) of the Department of Transportation Act, section 7 of the Endangered Species Act, and all other applicable environmental laws shall be identified by the Secretary in regulations; and

"(G) before the time that the cost incurred by a State is approved for Federal participation, both the Secretary and the Administrator of the Environmental Protection Agency have concurred that the property acquired in advance of Federal approval or authorization did not influence the environmental assessment of the project, the decision relative to the need to construct the project, or the selection of the project design or location.".

(c) PRESERVATION OF TRANSPORTATION CORRIDORS REPORT.—The Secretary, in consultation with the States, shall report to Congress within 2 years after the date of the enactment of this Act, a national list of the rights-of-way identified by the metropolitan planning organizations and the States (under sections 134 and 135 of title 23, United States Code), including the total mileage involved, an estimate of the total costs, and a strategy for preventing further loss of rights-of-way including the desirability of creating a transportation right-of-way land bank to preserve vital corridors.

SEC. 1018. PRECONSTRUCTION ACTIVITIES.

(a) LIMITATION ON ESTIMATES FOR CONSTRUCTION ENGINEERING.—Section 106(c) of title 23, United States Code, is amended to read as follows:

"(c) LIMITATION ON ESTIMATES FOR CONSTRUCTION ENGINEERING.—Items included in all such estimates for construction engineering for a State for a fiscal year shall not exceed, in the aggregate, 15 percent of the total estimated costs of all projects financed within the boundaries of the State with Federal-aid highway funds in such fiscal year, after excluding from such total estimate costs, the estimated costs of rights-of-way, preliminary engineering, and construction engineering.".

(b) CONFORMING AMENDMENTS.—Section 121(d) of such title is amended—

(1) by striking "120" and inserting "106(c), 120,"; and

(2) by striking the last sentence.

SEC. 1019. CONVICT PRODUCED MATERIALS.

Section 114(b)(2) of title 23, United States Code, is amended by inserting "after July 1, 1991," after "Materials produced".

SEC. 1020. PERIOD OF AVAILABILITY.

(a) DATE AND PERIOD OF AVAILABILITY; DISCRETIONARY PROJECTS.—Section 118 of title 23, United States Code, is amended

by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Date Available for Obligation.--Except as otherwise specifically provided, authorizations from the Highway Trust Fund (other than the Mass Transit Account) to carry out this title shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

"(b) Period of Availability; Discretionary Projects.—

"(1) Interstate construction funds.—Funds apportioned or allocated for Interstate construction in a State shall remain available for obligation in that State until the last day of the fiscal year in which they are apportioned or allocated. Sums not obligated by the last day of the fiscal year in which they are apportioned or allocated shall be allocated to other States, except Massachusetts, at the discretion of the Secretary. All sums apportioned or allocated on or after October 1, 1994, shall remain available in the State until expended. All sums apportioned or allocated to Massachusetts on or before October 1, 1989, shall remain available until expended.

"(2) Other funds.—Except as otherwise specifically provided, funds apportioned or allocated pursuant to this title (other than for Interstate construction) in a State shall remain available for obligation in that State for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Any amounts so apportioned or allocated that remain unobligated at the end of that period shall lapse.".

(b) Set Aside for Discretionary Projects.—Section 118(c) of such title is amended—

(1) by striking "1983" and inserting "1992";

(2) by striking "$300,000,000" and inserting "$100,000,000"; and

(3) by striking paragraph (2) and inserting the following new paragraph:

"(2) Set aside for 4R projects.—

"(A) In general.—Before any apportionment is made under section 104(b)(1) of this title, the Secretary shall set aside $54,000,000 for fiscal year 1992, $64,000,000 for each fiscal years 1993, 1994, 1995, and 1996, and $65,000,000 for fiscal year 1997 for obligation by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 119(e) of this title, as in effect on the day before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991). Of the amounts set aside under the preceding sentence, the Secretary shall obligate $16,000,000 for fiscal year 1992 and $17,000,000 for each of fiscal years 1993 and 1994 for improvements on the Kennedy Expressway in Chicago, Illinois. The remainder of such funds shall be made available by the Secretary to any State applying for such funds, if the Secretary determines that—

"(i) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(1) other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by the State to the Secretary for approval; and

"(ii) the applicant is willing and able to (I) obligate the funds within 1 year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation.

"(B) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In selecting projects to fund under subparagraph (A), the Secretary shall give priority consideration to any project the cost of which exceeds $10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

"(C) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.".

(c) CONFORMING AMENDMENT.—Section 118(d) of such title is amended by striking "(b)(2)" and inserting "(b)(1)".

(d) ALASKA AND PUERTO RICO.—Section 118(f) of such title is amended by striking "on a Federal-aid system".

SEC. 1021. FEDERAL SHARE.

(a) IN GENERAL.—Section 120 of title 23, United States Code, is amended by striking subsections (a), (b), (c), and (d) and inserting the following new subsections:

"(a) INTERSTATE SYSTEM PROJECTS.—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including a project to add high occupancy vehicle lanes and a project to add auxiliary lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost thereof, plus a percentage of the remaining 10 percent of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 percent of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area; except that such Federal share payable on any project in any State shall not exceed 95 percent of the total cost of such project.

"(b) OTHER PROJECTS.—Except as otherwise provided in this title, the Federal share payable on account of any project or activity carried out under this title (other than a project subject to subsection (a)) shall be—

"(1) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands therein, the Federal share, for purposes of this chapter, shall be increased by a percentage of the remaining cost equal to the per-

centage that the area of all such lands in such State, is of its total area; or

"(2) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share, for purposes of this chapter, shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area;

except that the Federal share payable on any project in a State shall not exceed 95 percent of the total cost of any such project. In any case where a State elects to have the Federal share provided in paragraph (2) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring such State to use solely for purposes eligible for assistance under this title (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the State's share as provided in paragraph (2) and what its share would be if it elected to pay the share provided in paragraph (1) for all projects subject to such agreement.

"(c) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The Federal share payable on account of any project for traffic control signalization, pavement marking, commuter carpooling and vanpooling, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier endtreatments, breakaway utility poles, or priority control systems for emergency vehicles at signalized intersections may amount to 100 percent of the cost of construction of such projects; except that not more than 10 percent of all sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.".

(b) CONFORMING AMENDMENTS.—Section 120 of such title is further amended—

(1) by striking subsections (j), (k), (l), and (m),

(2) by redesignating subsections (e), (f), (g), (h), (i), and (n) as subsections (d), (e), (f), (g), (h), and (i) respectively, and

(3) in subsection (d) as so redesignated by striking "and (c)" and inserting "and (b)".

(c) LIMITATION ON STATUTORY CONSTRUCTION.—The amendments made by this section shall not be construed to affect (1) the Federal share established by the Supplemental Appropriations Act, 1983 (97 Stat. 329) for construction of any highway on the Interstate System, and (2) the Federal share established by section 120(k) of such title, as in effect on the day before the date of the enactment of this Act, with respect to United States Highway 71 in Arkansas from the I-40 intersection to the Missouri-Arkansas State line.

(d) HIGHER FEDERAL SHARE.—If any highway project authorized to be carried out under section 1103 through 1108 of this Act is a project which would be eligible for assistance under section 204 of title 23, United States Code, or is a project on a federally owned bridge, the Federal share payable on account of such project shall be 100 percent for purposes of this Act.

SEC. 1022. EMERGENCY RELIEF.

(a) Extension of Time Period.—Section 120(d) of title 23, United States Code, as redesignated by section 1021(b) of this Act, is amended by striking "90 days" and inserting "180 days".

(b) Dollar Limitation for Territories.—Section 125(b)(2) of such title is amended by striking "$5,000,000" and inserting "$20,000,000".

(c) Applicability.—The amendments made by subsections (a) and (b) shall only apply to natural disasters and catastrophic failures occurring after the date of the enactment of this Act.

SEC. 1023. GROSS VEHICLE WEIGHT RESTRICTION.

(a) Conforming Amendments.—Section 127(a) of title 23, United States Code, is amended—

(1) by striking "funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned" and inserting "funds shall be apportioned in any fiscal year under section 104(b)(1) of this title"; and

(2) in the fourth sentence by inserting after "thereof" the following: ", other than vehicles or combinations subject to subsection (d) of this section,".

(b) Operation of Longer Combination Vehicles.—Section 127 of such title is amended by adding at the end the following new subsection:

"(d) Longer Combination Vehicles.—

"(1) Prohibition.—

"(A) General continuation rule.—A longer combination vehicle may continue to operate only if the longer combination vehicle configuration type was authorized by State officials pursuant to State statute or regulation conforming to this section and in actual lawful operation on a regular or periodic basis (including seasonal operations) on or before June 1, 1991, or pursuant to section 335 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2186).

"(B) Applicability of State laws and regulations.—All such operations shall continue to be subject to, at the minimum, all State statutes, regulations, limitations and conditions, including, but not limited to, routing-specific and configuration-specific designations and all other restrictions, in force on June 1, 1991; except that subject to such regulations as may be issued by the Secretary pursuant to paragraph (5) of this subsection, the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991, for specific safety purposes and road construction.

"(C) Wyoming.—In addition to those vehicles allowed under subparagraph (A), the State of Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by State law not later than November 3, 1992, if such vehicle configurations comply with the single axle, tandem axle, and *bridge formula limits set forth in subsection (a) and do not exceed 117,000 pounds gross vehicle weight.*

"(D) OHIO.—In addition to vehicles which the State of Ohio may continue to allow to be operated under subparagraph (A), such State may allow longer combination vehicles with 3 cargo carrying units of 28½ feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at and is south of exit 16 of the Ohio Turnpike.

"(E) ALASKA.—In addition to vehicles which the State of Alaska may continue to allow to be operated under subparagraph (A), such State may allow the operation of longer combination vehicles which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 5, 1991.

"(2) ADDITIONAL STATE RESTRICTIONS.—

"(A) IN GENERAL.—Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of longer combination vehicles otherwise authorized under this subsection; except that such restrictions or prohibitions shall be consistent with the requirements of sections 411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311, 2312, and 2316).

"(B) MINOR ADJUSTMENTS.—Any State further restricting or prohibiting the operations of longer combination vehicles or making minor adjustments of a temporary and emergency nature as may be allowed pursuant to regulations issued by the Secretary pursuant to paragraph (5) of this subsection, shall, within 30 days, advise the Secretary of such action, and the Secretary shall publish a notice of such action in the Federal Register.

"(3) PUBLICATION OF LIST.—

"(A) SUBMISSION TO SECRETARY.—Within 60 days of the date of the enactment of this subsection, each State (i) shall submit to the Secretary for publication in the Federal Register a complete list of (I) all operations of longer combination vehicles being conducted as of June 1, 1991, pursuant to State statutes and regulations; (II) all limitations and conditions, including, but not limited to, routing-specific and configuration-specific designations and all other restrictions, governing the operation of longer combination vehicles otherwise prohibited under this subsection; and (III) such statutes, regulations, limitations, and conditions; and (ii) shall submit to the Secretary copies of such statutes, regulations, limitations, and conditions.

"(B) INTERIM LIST.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall publish an interim list in the Federal Register, consisting of all information submitted pursuant to subparagraph (A). The Secretary shall review for accuracy all information submitted by the States pursuant to subparagraph (A) and

shall solicit and consider public comment on the accuracy of all such information.

"(C) LIMITATION.—No statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of longer combination vehicles, not in actual operation on a regular or periodic basis on or before June 1, 1991.

"(D) FINAL LIST.—Except as modified pursuant to paragraph (1)(C) of this subsection, the list shall be published as final in the Federal Register not later than 180 days after the date of the enactment of this subsection. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under subparagraph (B). After publication of the final list, longer combination vehicles may not operate on the Interstate System except as provided in the list.

"(E) REVIEW AND CORRECTION PROCEDURE.—The Secretary, on his or her own motion or upon a request by any person (including a State), shall review the list issued by the Secretary pursuant to subparagraph (D). If the Secretary determines there is cause to believe that a mistake was made in the accuracy of the final list, the Secretary shall commence a proceeding to determine whether the list published pursuant to subparagraph (D) should be corrected. If the Secretary determines that there is a mistake in the accuracy of the list the Secretary shall correct the publication under subparagraph (D) to reflect the determination of the Secretary.

"(4) LONGER COMBINATION VEHICLE DEFINED.—For purposes of this section, the term 'longer combination vehicle' means any combination of a truck tractor and 2 or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

"(5) REGULATIONS REGARDING MINOR ADJUSTMENTS.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall issue regulations establishing criteria for the States to follow in making minor adjustments under paragraph (1)(B).".

(c) STATE CERTIFICATION.—Section 141(b) of such title is amended by adding at the end the following new sentence: "Each State shall also certify that it is enforcing and complying with the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)).".

(d) INTERSTATE ROUTE 68.—Section 127 of such title is amended by adding at the end the following new subsection:

"(e) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON INTERSTATE ROUTE 68.—The single axle, tandem axle, and bridge formula limits set forth in subsection (a) shall not apply to the operation on Interstate Route 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties

on United States Route 40 or 48 for such purpose on August 1, 1991.".

(e) Firefighting Vehicles.—

(1) Temporary exemption.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations and the bridge formula for vehicles using the National System of Interstate and Defense Highways, shall not apply, in the 2-year period beginning on the date of the enactment of this Act, to any existing vehicle which is used for the purpose of protecting persons and property from fires and other disasters that threaten public safety and which is in actual operation before such date of enactment and to any new vehicle to be used for such purpose while such vehicle is being delivered to a firefighting agency. The Secretary may extend such 2-year period for an additional year.

(2) Study.—The Secretary shall conduct a study—

(A) of State laws regulating the use on the National System of Interstate and Defense Highways of vehicles which are used for the purpose of protecting persons and property from fires and other disasters that threaten public safety and which are being delivered to or operated by a firefighting agency; and

(B) of the issuance of permits by States which exempt such vehicles from the requirements of the second sentence of section 127 of title 23, United States Code.

(3) Purposes.—The purposes of the study under this subsection are to determine whether or not such State laws and such section 127 need to be modified with regard to such vehicles and whether or not a permanent exemption should be made for such vehicles from the requirements of such laws and section 127 or whether or not the bridge formula set forth in such section should be modified as it applies to such vehicles.

(4) Report.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (2), together with recommendations.

(f) Montana-Canada Trade.—The Secretary shall not withhold funds from the State of Montana on the basis of actions taken by the State of Montana pursuant to a draft memorandum of understanding with the Province of Alberta, Canada, regarding truck transportation between Canada and Shelby, Montana; except that such actions do not include actions not permitted by the State of Montana on or before June 1, 1991.

(g) Transporters of Water Well Drilling Rigs.—

(1) Study.—The Secretary shall conduct a study of State and Federal regulations pertaining to transporters of water well drilling rigs on public highways for the purpose of identifying requirements which place a burden on such transporters without enhancing safety or preservation of public highways.

(2) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with any legislative and administrative recommendations of the Secretary.

SEC. 1024. METROPOLITAN PLANNING.

(a) In General.—Section 134 of title 23, United States Code, is amended to read as follows:

"§134. Metropolitan planning

"(a) General Requirements.—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

"(b) Designation of Metropolitan Planning Organizations.—

"(1) In general.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area of more than 50,000 population by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

"(2) Membership of certain mpo's.—In a metropolitan area designated as a transportation management area, the metropolitan planning organization designated for such area shall include local elected officials, officials of agencies which administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization on June 1, 1991) and appropriate State officials. This paragraph shall only apply to a metropolitan planning organization which is redesignated after the date of the enactment of this section.

"(3) Limitation on statutory construction.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on the date of the enactment of this section, of a public agency with multimodal transportation responsibilities to—

"(A) develop plans and programs for adoption by a metropolitan planning organization; and

"(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

"(4) Continuing designation.—Designations of metropolitan planning organizations, whether made under this section or other provisions of law, shall remain in effect until redesignat-

ed under paragraph (5) or revoked by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population or as otherwise provided under State or local procedures.

"(5) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area (i) whose population is more than 5,000,000 but less than 10,000,000, or (ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act. Such redesignation shall be accomplished using procedures established by subparagraph (A).

"(6) TREATMENT OF LARGE URBAN AREAS.—More than 1 metropolitan planning organization may be designated within an urbanized area as defined by the Bureau of the Census only if the Governor determines that the size and complexity of the urbanized area make designation of more than 1 metropolitan planning organization for such area appropriate.

"(c) METROPOLITAN AREA BOUNDARIES.—For the purposes of this section, the boundaries of a metropolitan area shall be determined by agreement between the metropolitan planning organization and the Governor. Each metropolitan area shall cover at least the existing urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period and may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census. For areas designated as nonattainment areas for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan area shall at least include the boundaries of the nonattainment area, except as otherwise provided by agreement between the metropolitan planning organization and the Governor.

"(d) COORDINATION IN MULTISTATE AREAS.—

"(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary considers appropriate to encourage Governors and metropolitan planning organizations with responsibility for a portion of a multi-State metropolitan area to provide coordinated transportation planning for the entire metropolitan area.

"(2) COMPACTS.—The consent of Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as such activities pertain to interstate areas

and localities within such States and to establish such agencies, joint or otherwise, as such States may deem desirable for making such agreements and compacts effective.

"(e) Coordination of MPO's.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and programs required by this section.

"(f) Factors To Be Considered.—In developing transportation plans and programs pursuant to this section, each metropolitan planning organization shall, at a minimum, consider the following:

"(1) Preservation of existing transportation facilities and, where practical, ways to meet transportation needs by using existing transportation facilities more efficiently.

"(2) The consistency of transportation planning with applicable Federal, State, and local energy conservation programs, goals, and objectives.

"(3) The need to relieve congestion and prevent congestion from occurring where it does not yet occur.

"(4) The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with the provisions of all applicable short- and long-term land use and development plans.

"(5) The programming of expenditure on transportation enhancement activities as required in section 133.

"(6) The effects of all transportation projects to be undertaken within the metropolitan area, without regard to whether such projects are publicly funded.

"(7) International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, and military installations.

"(8) The need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.

"(9) The transportation needs identified through use of the management systems required by section 303 of this title.

"(10) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors and identification of those corridors for which action is most needed to prevent destruction or loss.

"(11) Methods to enhance the efficient movement of freight.

"(12) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.

"(13) The overall social, economic, energy, and environmental effects of transportation decisions.

"(14) Methods to expand and enhance transit services and to increase the use of such services.

"(15) Capital investments that would result in increased security in transit systems.

"(g) Development of Long Range Plan.—

"(1) IN GENERAL.—Each metropolitan planning organization shall prepare, and update periodically, according to a schedule that the Secretary determines to be appropriate, a long range plan for its metropolitan area in accordance with the requirements of this subsection.

"(2) LONG RANGE PLAN.—A long range plan under this section shall be in a form that the Secretary determines to be appropriate and shall, at a minimum:

"(A) Identify transportation facilities (including but not necessarily limited to major roadways, transit, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the long range plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

"(B) Include a financial plan that demonstrates how the long-range plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including such techniques as value capture, tolls and congestion pricing.

"(C) Assess capital investment and other measures necessary to—

"(i) ensure the preservation of the existing metropolitan transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit facilities; and

"(ii) make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

"(D) Indicate as appropriate proposed transportation enhancement activities.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act, the metropolitan planning organization shall coordinate the development of a long range plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before approving a long range plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the long range plan, in a manner that the Secretary deems appropriate.

"(5) PUBLICATION OF LONG RANGE PLAN.—Each long range plan prepared by a metropolitan planning organization shall be—

"(i) published or otherwise made readily available for public review; and

"(ii) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(h) TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—The metropolitan planning organization designated for a metropolitan area, in cooperation with the State and affected transit operators, shall develop a transportation improvement program for the area for which such organization is designated. In developing the program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program. The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) PRIORITY OF PROJECTS.—The transportation improvement program shall include the following:

"(A) A priority list of projects and project segments to be carried out within each 3-year period after the initial adoption of the transportation improvement program.

"(B) A financial plan that demonstrates how the transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including value capture, tolls, and congestion pricing.

"(3) SELECTION OF PROJECTS.—Except as otherwise provided in subsection (i)(4), project selection in metropolitan areas for projects involving Federal participation shall be carried out by the State in cooperation with the metropolitan planning organization and shall be in conformance with the transportation improvement program for the area.

"(4) MAJOR CAPITAL INVESTMENTS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall initiate a rulemaking proceeding to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under such Act applicable to highway projects. Nothing in this section shall be construed to affect the applicability of such Act to transit or highway projects.

"(5) INCLUDED PROJECTS.—A transportation improvement program for a metropolitan area developed under this subsection shall include projects within the area which are proposed for funding under this title and the Federal Transit Act and which are consistent with the long range plan developed under subsection (g) for the area. The program shall include a project, or an

identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(6) Notice and comment.—Before approving a transportation improvement program, a metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(i) Transportation Management Areas.—

"(1) Designation.—The Secretary shall designate as transportation management areas all urbanized areas over 200,000 population. The Secretary shall designate any additional area as a transportation management area upon the request of the Governor and the metropolitan planning organization designated for such area or the affected local officials. Such additional areas shall include upon such a request the Lake Tahoe Basin as defined by Public Law 96-551.

"(2) Transportation plans and programs.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and transit operators.

"(3) Congestion management system.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and the Federal Transit Act through the use of travel demand reduction and operational management strategies. The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section.

"(4) Selection of projects.—All projects carried out within the boundaries of a transportation management area with Federal participation pursuant to this title (excluding projects undertaken on the National Highway System and pursuant to the bridge and Interstate maintenance programs) or pursuant to the Federal Transit Act shall be selected by the metropolitan planning organization designated for such area in consultation with the State and in conformance with the transportation improvement program for such area and priorities established therein. Projects undertaken within the boundaries of a transportation management area on the National Highway System or pursuant to the Bridge and Interstate Maintenance programs shall be selected by the State in cooperation with the metropolitan planning organization designated for such area and shall be in conformance with the transportation improvement program for such area.

"(5) Certification.—The Secretary shall assure that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable provisions of Federal law, and shall so certify at least

once every 3 years. The Secretary may make such certification only if (1) a metropolitan planning organization is complying with the requirements of this section and other applicable requirements of Federal law, and (2) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor. If after September 30, 1993, a metropolitan planning organization is not certified by the Secretary, the Secretary may withhold, in whole or in part, the apportionment under section 104(b)(3) attributed to the relevant metropolitan area pursuant to section 133(d)(3) and capital funds apportioned under the formula program under section 9 of the Federal Transit Act. If a metropolitan planning organization remains uncertified for more than 2 consecutive years after September 30, 1994, 20 percent of the apportionment attributed to that metropolitan area under section 133(d)(3) and capital funds apportioned under the formula program under section 9 of the Federal Transit Act shall be withheld. The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary. The Secretary shall not withhold certification under this section based upon the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 8(o) of the Federal Transit Act.

"(j) Abbreviated Plans and Programs for Certain Areas.—For metropolitan areas not designated as transportation management areas under this section, the Secretary may provide for the development of abbreviated metropolitan transportation plans and programs that the Secretary determines to be appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems, including transportation related air quality problems, in such areas. In no event shall the Secretary provide abbreviated plans or programs for metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act.

"(k) Transfer of Funds.—Funds made available for a highway project under the Federal Transit Act shall be transferred to and administered by the Secretary in accordance with the requirements of this title. Funds made available for a transit project under the Federal-Aid Highway Act of 1991 shall be transferred to and administered by the Secretary in accordance with the requirements of the Federal Transit Act.

"(l) Additional Requirements for Certain Nonattainment Areas.—Notwithstanding any other provisions of this title or the Federal Transit Act, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed in such area for any highway project that will result in a significant increase in carrying capacity for single occupant vehicles unless the project is part of an approved congestion management system.

"(m) Limitation on Statutory Construction.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any trans-

portation facility, provider, or project not eligible under this title or the Federal Transit Act.

"(n) Reprogramming of Set Aside Funds.—Any funds set aside pursuant to section 104(f) of this title that are not used for the purpose of carrying out this section may be made available by the metropolitan planning organization to the State for the purpose of funding activities under section 135.".

(b) Amendments to Section 104.—Section 104(f) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking "one-half per centum" and inserting "1 percent";

(2) in paragraph (1) by striking "the Federal-aid systems" and inserting "programs authorized under this title";

(3) in paragraph (1) by striking "except that" and all that follows before the period and inserting "except that the amount from which such set aside is made shall not include funds authorized to be appropriated for the Interstate construction and Interstate substitute programs";

(4) in paragraph (3) by striking "section 120" and inserting "section 120(j)";

(5) in paragraph (4) by striking "and metropolitan area transportation needs" and inserting "attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out the requirements of section 134 and other applicable requirements of Federal law"; and

(6) by adding at the end the following new paragraph:

"(5) Determination of population figures.—For the purposes of determining population figures under this subsection, the Secretary shall use the most recent estimate published by the Secretary of Commerce.".

(c) Conforming Amendments.—

(1) The analysis of chapter 1 of title 23, United States Code, is amended by striking

"Sec. 134. Transportation planning in certain urban areas."

and inserting

"Sec. 134. Metropolitan planning.".

(2) Section 104(f)(3) of title 23, United States Code, is amended by striking "designated by the State as being".

SEC. 1025. STATEWIDE PLANNING.

(a) In General.—Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Statewide planning

"(a) General Requirements.—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the State efficiently and effectively. Subject to section 134 of this title, the State shall develop transportation plans and programs for all areas of the State. Such plans and programs shall provide for development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will

function as an intermodal State transportation system. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

"(b) Coordination With Metropolitan Planning; State Implementation Plan.—In carrying out planning under this section, a State shall coordinate such planning with the transportation planning activities carried out under section 134 of this title for metropolitan areas of the State and shall carry out its responsibilities for the development of the transportation portion of the State implementation plan to the extent required by the Clean Air Act.

"(c) State Planning Process.—Each State shall undertake a continuous transportation planning process which shall, at a minimum, consider the following:

"(1) The results of the management systems required pursuant to subsection (b).

"(2) Any Federal, State, or local energy use goals, objectives, programs, or requirements.

"(3) Strategies for incorporating bicycle transportation facilities and pedestrian walkways in projects where appropriate throughout the State.

"(4) International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation and scenic areas, monuments and historic sites, and military installations.

"(5) The transportation needs of nonmetropolitan areas through a process that includes consultation with local elected officials with jurisdiction over transportation.

"(6) Any metropolitan area plan developed pursuant to section 134.

"(7) Connectivity between metropolitan areas within the State and with metropolitan areas in other States.

"(8) Recreational travel and tourism.

"(9) Any State plan developed pursuant to the Federal Water Pollution Control Act.

"(10) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.

"(11) The overall social, economic, energy, and environmental effects of transportation decisions.

"(12) Methods to reduce traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant motor vehicle travel.

"(13) Methods to expand and enhance transit services and to increase the use of such services.

"(14) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decisionmaking and the provisions of all applicable short-range and long-range land use and development plans.

"(15) The transportation needs identified through use of the management systems required by section 303 of this title.

"(16) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.

"(17) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors, and identify those corridors for which action is most needed to prevent destruction or loss.

"(18) Long-range needs of the State transportation system.

"(19) Methods to enhance the efficient movement of commercial motor vehicles.

"(20) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.

"(d) ADDITIONAL REQUIREMENTS.—Each State in carrying out planning under this section shall, at a minimum, consider the following:

"(1) The coordination of transportation plans and programs developed for metropolitan areas of the State under section 134 with the State transportation plans and programs developed under this section and the reconciliation of such plans and programs as necessary to ensure connectivity within transportation systems.

"(2) Investment strategies to improve adjoining State and local roads that support rural economic growth and tourism development, Federal agency renewable resources management, and multipurpose land management practices, including recreation development.

"(3) The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the State.

"(e) LONG-RANGE PLAN.—The State shall develop a long-range transportation plan for all areas of the State. With respect to metropolitan areas of the State, the plan shall be developed in cooperation with metropolitan planning organizations designated for metropolitan areas in the State under section 134. With respect to areas of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in cooperation with such government and the Secretary of the Interior. In developing the plan, the State shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan. In addition, the State shall develop a long-range plan for bicycle transportation and pedestrian walkways for appropriate areas of the State which shall be incorporated into the long-range transportation plan.

"(f) TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—The State shall develop a transportation improvement program for all areas of the State. With respect to metropolitan areas of the State, the program shall be developed in cooperation with metropolitan planning organizations designated for metropolitan areas in the State under section 134. In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private pro-

viders of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(2) INCLUDED PROJECTS.—A transportation improvement program for a State developed under this subsection shall include projects within the boundaries of the State which are proposed for funding under this title and the Federal Transit Act, which are consistent with the long-range plan developed under this section for the State, which are consistent with the metropolitan transportation inprovement program, and which in areas designated as nonattainment for ozone or carbon monoxide under the Clean Air Act conform with the applicable State implementation plan developed pursuant to the Clean Air Act. The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for such project within the time period contemplated for completion of the project. The program shall also reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this title.

"(3) PROJECT SELECTION FOR AREAS LESS THAN 50,000 POPULATION.—Projects undertaken in areas of less than 50,000 population (excluding projects undertaken on the National Highway System and pursuant to the bridge and Interstate maintenance programs) shall be selected by the State in cooperation with the affected local officials. Projects undertaken in such areas on the National Highway System or pursuant to the bridge and Interstate maintenance programs shall be selected by the State in consultation with the affected local officials.

"(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and approved no less frequently than biennially by the Secretary.

"(g) FUNDING.—Funds set aside pursuant to section 307(c)(1) of title 23, United States Code, shall be available to carry out the requirements of this section.

"(h) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT SYSTEMS.—For purposes of this section, section 134, and section 8 of the Federal Transit Act, State laws, rules or regulations pertaining to congestion management systems or programs may constitute the congestion management system under this Act if the Secretary finds that the State laws, rules or regulations are consistent with, and fulfill the intent of, the purposes of this section, section 134 or section 8 of such Act, as appropriate.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 135 and inserting the following:

"135. Statewide planning.".

SEC. 1026. NONDISCRIMINATION.

(a) FUNDING OF HIGHWAY CONSTRUCTION TRAINING.—Subsection (b) of section 140 of title 23, United States Code, is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law, not to exceed ¼ of 1 percent of funds ap-

portioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be available to carry out this subsection upon request of the State highway department to the Secretary.".

(b) ELIGIBILITY FOR TRAINING PROGRAMS.—Subsections (b) and (c) of section 140 of such title are each amended by inserting "Indian tribal government," after "institution,".

(c) INDIAN EMPLOYMENT PREFERENCE.—Section 140(d) of such title is amended by inserting after the first sentence the following new sentence: "States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations.".

SEC. 1027. PUBLIC TRANSPORTATION.

(a) IMPROVED ACCESS BETWEEN INTERCITY AND RURAL BUS SERVICE.—Section 142(a)(2) of title 23, United States Code, is amended—

(1) by striking ", beginning with the fiscal year ending June 30, 1975,";

(2) by striking "Federal-aid urban system," the first place it appears and inserting "the surface transportation program"; and

(3) by striking "104(b)(6)" the first place it appears and all that follows through the period at the end and inserting "104(b)(3) for carrying out any capital transit project eligible for assistance under the Federal Transit Act, capital improvement to provide access and coordination between intercity and rural bus service, and construction of facilities to provide connections between highway transportation and other modes of transportation.".

(b) ACCOMMODATION OF OTHER MODES.—Section 142(c) of such title is amended to read as follows:

"(c) ACCOMMODATION OF OTHER MODES OF TRANSPORTATION.—The Secretary may approve as a project on any Federal-aid system for payment from sums apportioned under section 104(b) (other than section 104(b)(5)(A)) modifications to existing highway facilities on such system necessary to accommodate other modes of transportation if such modifications will not adversely affect automotive safety.".

(c) METROPOLITAN PLANNING.—Section 142(d) of such title is amended to read as follows:

"(d) METROPOLITAN PLANNING.—Any project carried out under this section in an urbanized area shall be subject to the metropolitan planning requirements of section 134.".

(d) AVAILABILITY OF RIGHTS-OF-WAY.—Section 142(g) of such title is amended to read as follows:

"(g) AVAILABILITY OF RIGHTS-OF-WAY.—In any case where sufficient land or air space exits within the publicly acquired rights-of-way of any highway, constructed in whole or in part with Federal-aid highway funds, to accommodate needed passenger, commuter, or high speed rail, magnetic levitation systems, and highway and nonhighway public mass transit facilities, the Secretary shall authorize a State to make such lands, air space, and rights-of-way available with or without charge to a publicly or privately owned authority or

company or any other person for such purposes if such accommodation will not adversely affect automotive safety.".

(e) CONFORMING AMENDMENTS TO SECTION 142.—Section 142 of such title is amended—

(1) in subsection (e)(2) by striking "Federal-aid urban system" and inserting "surface transportation program";

(2) by striking subsections (f) and (k);

(3) by redesignating subsections (g), (h), (i), and (j) as subsections (f), (g), (h), and (i), respectively;

(4) in subsection (g), as so redesignated, by striking "or subsection (c) of this section"; and

(5) in each of subsections (h) and (i), as so redesignated, by striking "and subsection (c)".

(f) CONFORMING AMENDMENT TO SECTION 156.—Section 156 of such title is amended by striking "States shall" and inserting "Subject to section 142(f), States shall".

SEC. 1028. BRIDGE PROGRAM.

(a) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—Section 144(c) of title 23, United States Code, is amended by adding at the end the following new paragraph:

"(3) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—As part of the activities carried out under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, shall (A) inventory all those highway bridges on Indian reservation roads and park roads which are bridges over waterways, other topographical barriers, other highways, and railroads, (B) classify them according to serviceability, safety, and essentiality for public use, (C) based on the classification, assign each a priority for replacement or rehabilitation, and (D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.".

(b) BRIDGE STRUCTURE PAINTING AND ACETATE APPLICATION.—Section 144(d) of such title is amended—

(1) by inserting after the first sentence the following new sentence: "Whenever any State makes application to the Secretary for assistance in painting and seismic retrofit, or applying calcium magnesium acetate to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting or seismic retrofit of, or application of such acetate to, such structure."; and

(2) by inserting after "projects" the first place it appears in the last sentence the following: "(other than projects for bridge structure painting or seismic retrofit or application of such acetate)".

(c) FEDERAL SHARE.—Section 144(f) of such title is amended by striking "highway bridge replaced or rehabilitated" and inserting "project".

(d) DISCRETIONARY BRIDGE PROGRAM.—Section 144(g)(1) of such title is amended to read as follows:

"(1) DISCRETIONARY BRIDGE PROGRAM.—Of the amounts authorized for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 by section 103 of the Intermodal Surface Transportation Efficiency Act of 1991, all but $57,000,000 in the case of *fiscal year 1992, $68,000,000 in the case of fiscal years 1993 and 1994, and $69,000,000 in the case of fiscal years 1995, 1996, and 1997 shall be apportioned as provided in subsection (e) of this section. $49,000,000 in the case of fiscal year 1992, $59,500,000 in the case of fiscal years 1993 and 1994, and $60,500,000 in the case of fiscal years 1995, 1996, and 1997 of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of $49,000,000 in the case of fiscal year 1992, $59,500,000 in the case of fiscal years 1993 and 1994, and $60,500,000 in the case of fiscal years 1995, 1996, and 1997 shall be at the discretion of the Secretary, and $8,500,000 per fiscal year ($8,000,000 in the case of fiscal year 1992) of the amount authorized for each of such fiscal years shall be available in accordance with section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991, relating to highway timber bridges.".*

(e) OFF-SYSTEM BRIDGES.—

(1) ALLOCATION OF FUNDS.—Section 144(g)(3) of such title is amended—

(A) by striking "and 1991" and inserting "1991, 1992, 1993, 1994, 1995, 1996, and 1997"; and

(B) by striking "or rehabilitate" and inserting ", rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(2) APPLICABILITY OF STATE STANDARDS FOR PROJECTS.—Section 144 of such title is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) APPLICABILITY OF STATE STANDARDS FOR PROJECTS.—A project on a Federal-aid highway not under this section shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.".

(f) SET-ASIDE FOR INDIAN RESERVATION BRIDGES.—Section 144(g) of this title is amended by adding at the end the following new paragraph:

"(4) INDIAN RESERVATION BRIDGES.—Not less than 1 percent of the amount apportioned to each State which has an Indian reservation within its boundaries for each fiscal year shall be expended for projects to replace, rehabilitate, paint, or apply calcium magnesium acetate to highway bridges located on Indian reservation roads. Upon determining a State bridge apportionment and before transferring funds to the States, the Secretary shall transfer the Indian reservation bridge allocation under this paragraph to the Secretary of the Interior for expenditure pursuant to this paragraph. The Secretary, after consultation with State and Indian tribal government officials and with the concurrence of the Secretary of the Interior, may, with respect to such State, reduce the requirement for expenditure for bridges under this paragraph when the Secretary determines that there are inadequate needs to justify such expenditure. The non-Federal share payable on account of such a project may be

provided from funds made available for Indian reservation roads under chapter 2 of this title.".

(g) TRANSFERABILITY OF BRIDGE APPORTIONMENTS.—Section 104(g) of such title is amended by inserting before the last sentence the following new sentence: "A State may transfer not to exceed 40 percent of the State's apportionment under section 144 in any fiscal year to the apportionment of such State under subsection (b)(1) or subsection (b)(3) of this section. Any transfer to subsection (b)(3) shall not be subject to section 133(d)."

SEC. 1029. NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM.

(a) PERMANENT EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 154(a) of title 23, United States Code, is amended by striking "Clause (3)" and inserting "Clause (4)" and by striking "or (3)" and inserting the following: "(3) a maximum speed limit in excess of 65 miles per hour on any highway within its jurisdiction located outside an urbanized area of 50,000 population or more (A) which is constructed to interstate standards in accordance with section 109(b) of this title and connected to a highway on the Interstate System, (B) which is a divided 4-lane fully controlled access highway designed or constructed to connect to a highway on the Interstate System posted at 65 miles per hour and constructed to design and construction standards as determined by the Secretary which provide a facility adequate for a speed limit of 65 miles per hour, or (C) which is constructed to the geometric and construction standards adequate for current and probable future traffic demands and for the needs of the locality and is designated by the Secretary as part of the Interstate System in accordance with section 139(c) of this title, or (4)".

(b) COLLECTION OF DATA.—Section 154(e) of such title is amended—

(1) by striking "fifty-five miles per hour on public highways with speed limits posted at fifty-five miles per hour" and inserting "the speed limit on maximum speed limit highways"; and

(2) by adding at the end the following: "Such data shall include, but not be limited to, data on citations, travel speeds, and the posted speed limit and the design characteristics of roads from which such travel speed data are gathered. The Secretary shall issue regulations which ensure (1) that the monitoring programs conducted by the States to collect data for purposes of this subsection are uniform, (2) that devices and equipment under such programs are placed at locations on maximum speed limit highways on a scientifically random basis which takes into account the relative risk, as determined by the Secretary, of motor vehicle accidents occurring considering the classes of such highways and the speeds at which vehicles are traveling on such classes of highways, and (3) that the data submitted under this subsection will be in such form as the Secretary determines is necessary to carry out this section.".

(c) ENFORCEMENT.—

(1) PROPOSED RULE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a proposed rule to establish speed limit enforcement requirements which, at a minimum, shall—

(A) provide for the transfer of apportionments under section 104(b) of title 23, United States Code (other than paragraph (5)), if a State fails to enforce speed limits in accordance with this section and such rule; and

(B) include a formula for determining compliance with the requirements of this section and such rule which—

(i) assigns a greater weight for violations of such speed limits in proportion to the amount by which the speed of the motor vehicle exceeds the speed limit; and

(ii) differentiates between the type of road on which the violations occur.

(2) FACTORS TO CONSIDER.—In developing the compliance formula in accordance with paragraph (1), the Secretary shall consider factors relating to the enforcement efforts made by the States and data concerning fatalities and serious injuries occurring on roads to which subsection (a) applies and any other factors relating to speed limit enforcement and speed-related highway safety trends which the Secretary determines appropriate.

(3) FINAL RULE.—Not later than 60 days after the date of publication of the proposed rule under paragraph (1), the Secretary shall publish in the Federal Register a final rule which meets the requirements of paragraph (1) and which shall take effect no later than 12 months after the date of its publication in the Federal Register.

(d) ADMINISTRATION.—The Secretary shall carry out sections 154 and 141(a) of title 23, United States Code, through the National Highway Traffic Safety Administration and the Federal Highway Administration.

(e) ANNUAL REPORT.—Section 154 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(i) ANNUAL REPORT.—The Secretary shall transmit to Congress an annual report on travel speeds of motor vehicles on roads subject to subsection (a), State enforcement efforts with respect to speeding violations on such roads, and speed-related highway safety statistics.".

(f) ENFORCEMENT MORATORIUM.—No State shall be subject under section 141 or 154 of title 23, United States Code, to withholding of apportionments for failure to comply in fiscal years 1990 and 1991 with section 154 of such title, as in effect on the day before the date of the enactment of this Act, or section 141(a) of such title.

(g) REPEAL OF OBSOLETE ENFORCEMENT PROVISIONS.—On the 730th day following the date of the enactment of this Act, subsections (f), (g), and (h) of section 154 of title 23, United States Code, are repealed.

SEC. 1030. ROAD SEALING ON INDIAN RESERVATION ROADS.

Section 204(c) of title 23, United States Code, is amended by adding at the end the following new sentences: "Notwithstanding any other provision of this title, Indian reservation roads under the jurisdiction of the Bureau of Indian Affairs of the Department of the Interior shall be eligible to expend not more than 15 percent funds apportioned for Indian reservation roads from the Highway Trust Fund for the purpose of road sealing projects. The Bureau of Indian Affairs shall continue to retain responsibility, including *annual funding request responsibility, for road maintenance programs on Indian reservations.".*

SEC. 1031. USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.

(a) PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 152 the following new section:

"§ 153. Use of safety belts and motorcycle helmets

"(a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to a State in a fiscal year in accordance with this section if the State has in effect in such fiscal year—

"(1) a law which makes unlawful throughout the State the operation of a motorcycle if any individual on the motorcycle is not wearing a motorcycle helmet; and

"(2) a law which makes unlawful throughout the State the operation of a passenger vehicle whenever an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body.

"(b) USE OF GRANTS.—A grant made to a State under this section shall be used to adopt and implement a traffic safety program to carry out the following purposes:

"(1) EDUCATION.—To educate the public about motorcycle and passenger vehicle safety and motorcycle helmet, safety belt, and child restraint system use and to involve public health education agencies and other related agencies in these efforts.

"(2) TRAINING.—To train law enforcement officers in the enforcement of State laws described in subsection (a).

"(3) MONITORING.—To monitor the rate of compliance with State laws described in subsection (a).

"(4) ENFORCEMENT.—To enforce State laws described in subsection (a).

"(c) MAINTENANCE OF EFFORT.—A grant may not be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for any traffic safety program described in subsection (b) at or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section.

"(d) FEDERAL SHARE.—A State may not receive a grant under this section in more than 3 fiscal years. The Federal share payable for a grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant, 75 percent of the cost of implementing in such fiscal year a traffic safety program described in subsection (b);

"(2) in the second fiscal year the State receives a grant, 50 percent of the cost of implementing in such fiscal year such traffic safety program; and

"(3) in the third fiscal year the State receives a grant, 25 percent of the cost of implementing in such fiscal year such traffic safety program.

"(e) Maximum Aggregate Amount of Grants.—The aggregate amount of grants made to a State under this section shall not exceed 90 percent of the amount apportioned to such State for fiscal year 1990 under section 402.

"(f) Eligibility for Grants.—

"(1) General rule.—A State is eligible in a fiscal year for a grant under this section only if the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State implements in such fiscal year a traffic safety program described in subsection (b).

"(2) Second-year grants.—A State is eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

"(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 75 percent; and

"(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 50 percent.

"(3) Third-year grants.—A State is eligible for a grant under this section in a fiscal year succeeding the second fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

"(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 85 percent; and

"(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 70 percent.

"(g) Measurements of Rates of Compliance.—For the purposes of subsections (f)(2) and (f)(3), a State shall measure compliance with State laws described in subsection (a) using methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(h) Penalty.—

"(1) Fiscal year 1994.—If, at any time in fiscal year 1994, a State does not have in effect a law described in subsection (a)(1) and a law described in subsection (a)(2), the Secretary shall transfer 1½ percent of the funds apportioned to the State for fiscal year 1995 under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

"(2) Thereafter.—If, at any time in a fiscal year beginning after September 30, 1994, a State does not have in effect a law described in subsection (a)(1) and a law described in subsection (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

"(3) Federal share.—The Federal share of the cost of any project carried out under section 402 with funds transferred to the apportionment of section 402 shall be 100 percent.

"(4) Transfer of obligation authority.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate an amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out only projects under section 402 which is determined by multiplying—

"(A) the amount of funds transferred to the apportionment of section 402 of the State under section 402 for such fiscal year; by

"(B) the ratio of the amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for such fiscal year.

"(5) Limitation on applicability of highway safety obligations.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs carried out by the Federal Highway Administration under section 402 shall apply to funds transferred under this subsection to the apportionment of section 402.

"(i) Definitions.—For the purposes of this section, the following definitions apply:

"(1) Motorcycle.—The term 'motorcycle' means a motor vehicle which is designed to travel on not more than 3 wheels in contact with the surface.

"(2) Motor vehicle.—The term 'motor vehicle' has the meaning such term has under section 154 of this title.

"(3) Passenger vehicle.—The term 'passenger vehicle' means a motor vehicle which is designed for transporting 10 individuals or less, including the driver, except that such term does not include a vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

"(4) Safety belt.—The term 'safety belt' means—

"(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap shoulder belts.

"(j) Authorization of Appropriations.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1992. From sums made available to carry out section 402 of this title, the Secretary shall make available $17,000,000 for fiscal year 1992 and $24,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

"(k) Applicability of Chapter 1 Provisions.—All provisions of this chapter that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid

systems, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that sums authorized by this section shall remain available until expended.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 152 the following new item:

"153. Use of safety belts and motorcycle helmets.".

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study or studies to determine the benefits of safety belt use and motorcycle helmet use for individuals involved in motor vehicle crashes and motorcycle crashes, collecting and analyzing data from regional trauma systems regarding differences in the following: the severity of injuries; acute, rehabilitative and long-term medical costs, including the sources of reimbursement and the extent to which these sources cover actual costs; government, employer, and other costs; and mortality and morbidity outcomes. The study shall cover a representative period after January 1, 1990.

(2) REPORT.—The Secretary shall make public a proposed report on the results of the study or studies conducted under this subsection, provide a period of 90 days for public comment on such report, consider such comments, and transmit to Congress a report on the results of such study or studies, together with a summary of such comments, not later than 40 months after the funds for such study are made available by the Secretary.

(3) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1992 or 1993 (or both) to carry out section 153 of title 23, United States Code, the Secretary shall make available $5,000,000 in the aggregate in such fiscal years to carry out this subsection. Such funds shall remain available until expended.

SEC. 1032. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) ALLOCATIONS.—Section 202 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d), respectively;

(3) by inserting after "allocate" in subsection (b), as so redesignated, "34 percent of"; and

(4) by striking the period at the end of subsection (b), as so redesignated, and inserting the following: "which are proposed by a State which contains at least 3 percent of the total public lands in the Nation. The Secretary shall allocate 66 percent of the remainder of the authorization for public lands highways for each fiscal year as is provided in section 134 of the Federal-Aid Highway Act of 1987, and with respect to these allocations the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through renewable resources and land use planning and the impact of such planning on existing transportation facilities.".

(b) PROJECTS.—Section 204 of such title is amended—

(1) in subsection (a) by striking "forest highways," and by adding at the end of such subsection the following new sentences: "The Secretary, in cooperation with the Secretary of Interior and the Secretary of Agriculture, shall develop appropriate transportation planning procedures and safety, bridge, and pavement management systems for roads funded under the Federal Lands Highway Program. Notwithstanding any other provision of this title, no public lands highway project may be undertaken in any State pursuant to this section unless the State concurs in the selection and planning of the project.";

(2) in subsection (b)—

(A) by striking "construction and improvements thereof" and inserting "planning, research, engineering and construction thereof";

(B) by striking "forest highways and"; and

(C) by adding at the end the following new sentence: "Funds available for each class of Federal lands highways shall be available for any kind of transportation project eligible for assistance under this title that is within or adjacent to or provides access to the areas served by the particular class of Federal lands highways.";

(3) in subsection (c) by striking "on a Federal aid system" and inserting "eligible for funds apportioned under section 104 or section 144 of this title"; and

(4) by striking subsection (h) and inserting the following new subsections:

"(h) ELIGIBLE PROJECTS.—Funds available for each class of Federal lands highways may be available for the following:

"(1) Transportation planning for tourism and recreational travel including the National Forest Scenic Byways Program, Bureau of Land Management Back Country Byways Program, National Trail System Program, and other similar Federal programs that benefit recreational development.

"(2) Adjacent vehicular parking areas.

"(3) Interpretive signage.

"(4) Acquisition of necessary scenic easements and scenic or historic sites.

"(5) Provision for pedestrians and bicycles.

"(6) Construction and reconstruction of roadside rest areas including sanitary and water facilities.

"(7) Other appropriate public road facilities such as visitor centers as determined by the Secretary.

"(i) TRANSFERS TO SECRETARY OF INTERIOR.—The Secretary shall transfer to the Secretary of Interior from the appropriation for public land highways amounts as may be needed to cover necessary administrative costs of the Bureau of Land Management in connection with public lands highways.

"(j) INDIAN RESERVATION ROADS PLANNING.—Up to 2 percent of funds made available for Indian reservation roads for each fiscal year shall be allocated to those Indian tribal governments applying for transportation planning pursuant to the provisions of the Indian Self-Determination and Education Assistance Act. The Indian tribal government, in cooperation with the Secretary of the Interior,

and, as may be appropriate, with a State, local government, or metropolitan planning organization, shall develop a transportation improvement program, that includes all Indian reservation road projects proposed for funding. Projects shall be selected by the Indian tribal government from the transportation improvement program and shall be subject to the approval of the Secretary of the Interior and the Secretary.".

(c) FOREST DEVELOPMENT ROADS AND TRAILS.—Section 205(c) of such title is amended by striking "$15,000" each place it appears and inserting "$50,000".

(d) INDIAN RESERVATION ROADS.—Notwithstanding any other provision of law, funds allocated for Indian reservation roads may be used for the purpose of funding road projects on roads of tribally controlled postsecondary vocational institutions.

(e) REPORT.—The Secretary shall undertake a study to determine if the method for allocating funds authorized for Federal lands highways is adequate to meet the relative transportation needs of the Federal lands served. The report shall be submitted within 2 years of the date of the enactment of this Act.

(f) CONFORMING AMENDMENTS.—Section 203 of title 23, United States Code, is amended by striking "forest highways" each place it appears.

SEC. 1033. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended to read as follows:

"§217. Bicycle transportation and pedestrian walkways

"(a) USE OF STP AND CONGESTION MITIGATION PROGRAM FUNDS.—Subject to project approval by the Secretary, a State may obligate funds apportioned to it under sections 104(b)(2) and 104(b)(3) of this title for construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe bicycle use.

"(b) USE OF NATIONAL HIGHWAY SYSTEM FUNDS.—Subject to project approval by the Secretary, a State may obligate funds apportioned to it under section 104(b)(1) of this title for construction of bicycle transportation facilities on land adjacent to any highway on the National Highway System (other than the Interstate System).

"(c) USE OF FEDERAL LANDS HIGHWAY FUNDS.—Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrian walkways and bicycle transportation facilities in conjunction with such trails, roads, highways, and parkways.

"(d) STATE BICYCLE AND PEDESTRIAN COORDINATORS.—Each State receiving an apportionment under sections 104(b)(2) and 104(b)(3) of this title shall use such amount of the apportionment as may be necessary to fund in the State department of transportation a position of bicycle and pedestrian coordinator for promoting and facilitating the increased use of nonmotorized modes of transportation, including developing facilities for the use of pedestrians and bicy-

clists and public-education, promotional, and safety programs for using such facilities.

"(e) Bridges.—In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway, other than a highway access to which is fully controlled, on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

"(f) Federal Share.—For all purposes of this title, construction of a pedestrian walkway and a bicycle transportation facility shall be deemed to be a highway project and the Federal share payable on account of such construction shall be 80 percent.

"(g) Planning.—Pedestrian walkways and bicycle transportation facilities to be constructed under this section shall be located and designed pursuant to an overall plan to be developed by each metropolitan planning organization and State and incorporated into their comprehensive annual long-range plans in accordance with sections 134 and 135 of this title, respectively. Such plans shall provide due consideration for safety and contiguous routes.

"(h) Use of Motorized Vehicles.—No motorized vehicles shall be permitted on trails and pedestrian walkways under this section, except for—

"(1) maintenance purposes;

"(2) when snow conditions and State or local regulations permit, snowmobiles;

"(3) when State and local regulations permit, motorized wheelchairs; and

"(4) such other circumstances as the Secretary deems appropriate.

"(i) Transportation Purpose.—No bicycle project may be carried out under this section unless the Secretary has determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

"(j) Bicycle Transportation Facility Defined.—For purposes of this section, a 'bicycle transportation facility' means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles.".

SEC. 1034. MANAGEMENT SYSTEMS.

(a) In General.—Chapter 3 of title 23, United States Code, is amended by inserting after section 302 the following new section:

"§303. Management systems

"(a) Regulations.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations for State development, establishment, and implementation of a system for managing each of the following:

"(1) Highway pavement of Federal-aid highways.

"(2) Bridges on and off Federal-aid highways.

"(3) Highway safety.

"(4) Traffic congestion.

"(5) Public transportation facilities and equipment.

"(6) Intermodal transportation facilities and systems.

In metropolitan areas, such systems shall be developed and implemented in cooperation with metropolitan planning organizations. Such regulations may include a compliance schedule for development, establishment, and implementation of each such system and minimum standards for each such system.

"(b) Traffic Monitoring.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue guidelines and requirements for the State development, establishment, and implementation of a traffic monitoring system for highways and public transportation facilities and equipment.

"(c) State Requirements.—The Secretary may withhold up to 10 percent of the funds apportioned under this title and under the Federal Transit Act for any fiscal year beginning after September 30, 1995, to any State and any recipient of assistance under such Act in the State unless, in the preceding fiscal year, the State was implementing each of the management systems described in subsection (a) and, before January 1 of the preceding fiscal year, the State certified, in writing, to the Secretary, that the State was implementing each of such management systems in the preceding fiscal year.

"(d) Procedural Requirements.—In developing and implementing a management system under this section, each State shall cooperate with metropolitan planning organizations for urbanized areas of the State and affected agencies receiving assistance under the Federal Transit Act and shall consider the results of the management systems in making project selection decisions under this title and under such Act.

"(e) Intermodal Requirements.—The management system required under this section for intermodal transportation facilities and systems shall provide for improvement and integration of all of a State's transportation systems and shall include methods of achieving the optimum yield from such systems, methods for increasing productivity in the State, methods for increasing use of advanced technologies, and methods to encourage the use of innovative marketing techniques, such as just-in-time deliveries.

"(f) Annual Report.—Not later than January 1 of each calendar year beginning after December 31, 1992, the Secretary shall transmit to Congress a report on the progress being made by the Secretary and the States in carrying out this section.

"(g) Funding.—Subject to project approval by the Secretary, a State may obligate funds apportioned after September 30, 1991, under subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title for developing and establishing management systems required by this section and funds apportioned under section 144 of this title for developing and establishing the bridge management system required by this section.

"(h) Review of Regulations.—Not later than 10 days after the date of issuance of any regulation under this section, the Secretary shall transmit a copy of such regulation to Congress for review.".

(b) Conforming Amendment.—The analysis for chapter 3 of such title is amended by inserting after the item relating to section 302 the following new item:

"303. Management systems.".

SEC. 1035. LIMITATION ON DISCOVERY OF CERTAIN REPORTS AND SURVEYS.

(a) IN GENERAL.—Section 409 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 409. Discovery and admission as evidence of certain reports and surveys"; and

(2) by striking "admitted into evidence in Federal or State court" and inserting "subject to discovery or admitted into evidence in a Federal or State court proceeding".

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of such title is amended by striking the item relating to section 409 and inserting the following:

"409. Discovery and admission as evidence of certain reports and surveys."

SEC. 1036. NATIONAL HIGH-SPEED GROUND TRANSPORTATION PROGRAMS.

(a) DECLARATION OF POLICY.—Section 302 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) It is the policy of the United States to promote the construction and commercialization of high-speed ground transportation systems by—

"(A) conducting economic and technological research;

"(B) demonstrating advancements in high-speed ground transportation technologies;

"(C) establishing a comprehensive policy for the development of such systems and the effective integration of the various high-speed ground transportation technologies; and

"(D) minimizing the long-term risks of investors.

"(2) It is the policy of the United States to establish in the shortest time practicable a United States designed and constructed magnetic levitation transportation technology capable of operating along Federal-aid highway rights-of-way, as part of a national transportation system of the United States."

(b) NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM.—

(1) MANAGEMENT OF PROGRAM.—There is hereby established a national magnetic levitation prototype development program to be managed by a program director appointed jointly by the Secretary and the Assistant Secretary of the Army for Civil Works (hereinafter in this subsection referred to as the "Assistant Secretary"). To carry out such program, the Secretary and the Assistant Secretary shall establish a national maglev joint project office (hereinafter in this subsection referred to as the "Maglev Project Office"), which shall be headed by the program director, and shall enter into such arrangements as may be necessary for funding, staffing, office space, and other requirements that will allow the Maglev Project Office to carry out its functions. In carrying out such program, the program director shall consult with appropriate Federal officials, including the Secretary of Energy and the Administrator of the Environmental Protection Agency.

(2) Phase one contracts.—

(A) Request for proposals.—Not later than 12 months after the date of the enactment of this Act, the Maglev Project Office shall release a request for proposals for development of conceptual designs for a maglev system and for research to facilitate the development of such conceptual designs.

(B) Award of contracts.—Not later than 15 months after the date of the enactment of this Act, the Secretary and the Assistant Secretary shall, based on the recommendations of the program director, award 1-year contracts for research and development to no fewer than 5 eligible applicants. If fewer than 5 complete applications have been received, contracts shall be awarded to as many eligible applicants as is practical.

(C) Factors and conditions to be considered.—The Secretary and the Assistant Secretary may approve contracts under subparagraph (B) only after consideration of factors relating to the construction and operation of a magnetic levitation system, including the cost-effectiveness, ease of maintenance, safety, limited environmental impact, ability to achieve sustained high speeds, ability to operate along the Interstate highway rights-of-way, the potential for the guideway design to be a national standard, the applicant's resources, capabilities, and history of successfully designing and developing systems of similar complexity, and the desirability of geographic diversity among contractors and only if the applicant agrees to submit a report to the Maglev Project Office detailing the results of the research and development and agrees to provide for matching of the phase one contract at a 90 percent Federal, 10 percent non-Federal, cost share.

(3) Phase two contracts.—Within 3 months of receiving the final reports of contract activities under paragraph (2), and based only on such reports and the recommendations of the program director, the Secretary and the Assistant Secretary shall select not more than 3 eligible applicants from among the contract recipients submitting reports under paragraph (2) to receive 18-month contracts for research and development leading to a detailed design for a prototype maglev system. The Secretary and the Assistant Secretary may only award contracts under this paragraph if—

(A) they determine that the applicant has demonstrated technical merit for the conceptual design and the potential for further development of such design into an operational prototype as described in paragraph (4),

(B) the applicant agrees to submit the detailed design within such 18-month period to the Maglev Project Office and the selection committee described in paragraph (4), and

(C) the applicant agrees to provide for matching of the phase two contract at an 80 percent Federal, 20 percent non-Federal, cost share.

(4) Prototype.—

(A) SELECTION OF DESIGN.—Within 6 months of receiving the detailed designs developed under paragraph (3), the Secretary and the Assistant Secretary shall, based on the recommendations of the selection committee described in this subparagraph, select 1 design for development into a full-scale prototype, unless the Secretary and the Assistant Secretary determine jointly that no design shall be selected, based on an assessment of technical feasibility and projected cost of construction and operation of the prototype. A selection committee of 8 members, consisting of—

(i) 1 member to be appointed by the Secretary,

(ii) 1 member to be appointed by the Assistant Secretary,

(iii) 3 members to be appointed by the Senate majority and minority leaders, and

(iv) 3 members to be appointed by the Speaker of the House and the minority leader of the House,

shall be appointed not later than 1 year following the award of contracts under paragraph (3). The selection committee, within 3 months of receiving the detailed designs developed under paragraph (3), shall make a recommendation to the Secretary and the Assistant Secretary as to the best prototype design or the unsuitability of any design. The program director shall provide technical reviews of the phase two contract reports to the selection committee and otherwise provide any technical assistance that the committee requires to assist it in making a recommendation. In the event that the Secretary and the Assistant Secretary determine jointly not to select a design for development under this subsection, they shall report to Congress on the basis for such determination, together with recommendations for future action, including further research, development, or design, termination of the program, or such other action as may be appropriate.

(B) AWARD OF CONSTRUCTION GRANT OR CONTRACT.—Unless the Secretary and the Assistant Secretary determine not to proceed pursuant to subparagraph (A), they shall, not later than 3 months after selection of a design for development into a full-scale prototype, and based on the recommendations of the program director, award 1 construction grant or contract to the applicant whose detailed design was selected under subparagraph (A) for the purpose of constructing a prototype maglev system in accordance with the selected design. Not more than 75 percent of the cost of the project shall be borne by the United States.

(C) FACTORS TO BE CONSIDERED IN SELECTION.—Selection of the detailed design under this paragraph shall be based on consideration of the following factors, among others:

(i) The project shall be capable of utilizing Interstate highway rights-of-way along or above a significant portion of its route, and may also use railroad rights-of-way along or above any portion of the railroad route.

(ii) The total length of guideway shall be at least 19 miles and allow significant full-speed operations between stops.

(iii) The project shall be constructed and ready for operational testing within 3 years after the award of the contract or grant.

(iv) The project shall provide for the conversion of the prototype to commercial operation after testing and technical evaluation is completed.

(v) The project shall be located in an area that provides a potential ridership base for future commercial operation.

(vi) The project shall utilize a technology capable of being applied in commercial service in most parts of the contiguous United States.

(vii) The project shall have at least 1 switch.

(viii) The project shall be intermodal in nature connecting a major metropolitan area with an airport, port, passenger rail station, or other transportation mode.

(D) Additional factors for consideration.—In awarding a grant or contract under this paragraph, the Secretary shall encourage the development of domestic manufacturing capabilities. In selecting among eligible applicants, the Secretary shall consider existing railroads and equipment manufacturers with excess production capacity, including railroads that have experience in advanced technologies (including self-propelled cars).

(5) Licensing.—

(A) Proprietary rights.—No trade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of title 5, United States Code, which is obtained from a United States business, research, or education entity as a result of activities under this subsection shall be disclosed.

(B) Commercial information.—The research, development, and use of any technology developed pursuant to an agreement reached pursuant to this subsection, including the terms under which any technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701-3714). In addition, the Secretary and the Assistant Secretary may require any grant or contract recipient to assure that research and development be performed substantially in the United States and that the products embodying the inventions made under any agreement pursuant to this subsection or produced through the use of such inventions be manufactured substantially in the United States.

(6) Reports.—The Secretary and the Assistant Secretary shall provide periodic reports to Congress on progress made under this subsection.

(7) Eligible applicant defined.—For purposes of this subsection, the term "eligible applicant" means a United States

private business, United States public or private education and research organization, Federal laboratory, or a consortium of such businesses, organizations, and laboratories.

(c) TECHNOLOGY DEMONSTRATION PROGRAM; RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 3 of title 49, United States Code, is amended by adding at the end the following new section:

"§309. High-speed ground transportation

"(a) The Secretary of Transportation, in consultation with the Secretaries of Commerce, Energy, and Defense, the Administrator of the Environmental Protection Agency, the Assistant Secretary of the Army for Public Works, and the heads of other interested agencies, shall lead and coordinate Federal efforts in the research and development of high-speed ground transportation technologies in order to foster the implementation of magnetic levitation and high-speed steel wheel on rail transportation systems as alternatives to existing transportation systems.

"(b)(1) The Secretary may award contracts and grants for demonstrations to determine the contributions that high-speed ground transportation could make to more efficient, safe, and economical intercity transportation systems. Such demonstrations shall be designed to measure and evaluate such factors as the public response to new equipment, higher speeds, variations in fares, improved comfort and convenience, and more frequent service. In connection with grants and contracts for demonstrations under this section, the Secretary shall provide for financial participation by private industry to the maximum extent practicable.

"(2)(A) In connection with the authority provided under paragraph (1), there is established a national high-speed ground transportation technology demonstration program, which shall be separate from the national magnetic levitation prototype development program established under section 1036(b) of the Intermodal Surface Transportation Efficiency Act of 1991 and shall be managed by the Secretary of Transportation.

"(B)(i) Any eligible applicant may submit to the Secretary a proposal for demonstration of any advancement in a high-speed ground transportation technology or technologies to be incorporated as a component, subsystem, or system in any revenue service high-speed ground transportation project or system under construction or in operation at the time the application is made.

"(ii) Grants or contracts shall be awarded only to eligible applicants showing demonstrable benefit to the research and development, design, construction, or ultimate operation of any maglev technology or high-speed steel wheel on rail technology. Criteria to be considered in evaluating the suitability of a proposal under this paragraph shall include—

"(I) feasibility of guideway or track design and construction;

"(II) safety and reliability;

"(III) impact on the environment in comparison to other high-speed ground transportation technologies;

"(IV) minimization of land use;

"(V) effect on human factors related to high-speed ground transportation;

"(VI) energy and power consumption and cost;

"(VII) integration of high-speed ground transportation systems with other modes of transportation;

"(VIII) actual and projected ridership; and

"(IX) design of signaling, communications, and control systems.

"(C) For the purposes of this paragraph, the term 'eligible applicant' means any United States private business, State government, local government, organization of State or local government, or any combination thereof. The term does not include any business owned in whole or in part by the Federal Government.

"(D) The amount and distribution of grants or contracts made under this paragraph shall be determined by the Secretary. No grant or contract may be awarded under this paragraph to demonstrate a technology to be incorporated into a project or system located in a State that prohibits under State law the expenditure of non-Federal public funds or revenues on the construction or operation of such project or system.

"(E) Recipients of grants or contracts made pursuant to this paragraph shall agree to submit a report to the Secretary detailing the results and benefits of the technology demonstration proposed, as required by the Secretary.

"(c)(1) In carrying out the responsibilities of the Secretary under this section, the Secretary is authorized to enter into 1 or more cooperative research and development agreements (as defined by section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and 1 or more funding agreements (as defined by section 201(b) of title 35, United States Code), with United States companies for the purpose of—

"(A) conducting research to overcome technical and other barriers to the development and construction of practicable high-speed ground transportation systems and to help advance the basic generic technologies needed for these systems; and

"(B) transferring the research and basic generic technologies described in subparagraph (A) to industry in order to help create a viable commercial high-speed ground transportation industry within the United States.

"(2) In a cooperative agreement or funding agreement under paragraph (1), the Secretary may agree to provide not more than 80 percent of the cost of any project under the agreement. Not less than 5 percent of the non-Federal entity's share of the cost of any such project shall be paid in cash.

"(3) The research, development, or utilization of any technology pursuant to a cooperative agreement under paragraph (1), including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(4) The research, development, or utilization of any technology pursuant to a funding agreement under paragraph (1), including the determination of all licensing and ownership rights, shall be subject to the provisions of chapter 18 of title 35, United States Code.

"(5) At the conclusion of fiscal year 1993 and again at the conclusion of fiscal year 1996, the Secretary shall submit reports to Congress regarding research and technology transfer activities conducted pursuant to the authorization contained in paragraph (1).

"(d)(1) Not later than June 1, 1995, the Secretary shall complete and submit to Congress a study of the commercial feasibility of constructing 1 or more high-speed ground transportation systems in the United States. Such study shall consist of—

"(A) an economic and financial analysis;

"(B) a technical assessment; and

"(C) recommendations for model legislation for State and local governments to facilitate construction of high-speed ground transportation systems.

"(2) The economic and financial analysis referred to in paragraph (1)(A) shall include—

"(A) an examination of the potential market for a nationwide high-speed ground transportation network, including a national magnetic levitation ground transportation system;

"(B) an examination of the potential markets for short-haul high-speed ground transportation systems and for intercity and long-haul high-speed ground transportation systems, including an assessment of—

"(i) the current transportation practices and trends in each market; and

"(ii) the extent to which high-speed ground transportation systems would relieve the current or anticipated congestion on other modes of transportation;

"(C) projections of the costs of designing, constructing, and operating high-speed ground transportation systems, the extent to which such systems can recover their costs (including capital costs), and the alternative methods available for private and public financing;

"(D) the availability of rights-of-way to serve each market, including the extent to which average and maximum speeds would be limited by the curvature of existing rights-of-way and the prospect of increasing speeds through the acquisition of additional rights-of-way without significant relocation of residential, commercial, or industrial facilities;

"(E) a comparison of the projected costs of the various competing high-speed ground transportation technologies;

"(F) recommendations for funding mechanisms, tax incentives, liability provisions, and changes in statutes and regulations necessary to facilitate the development of individual high-speed ground transportation systems and the completion of a nationwide high-speed ground transportation network;

"(G) an examination of the effect of the construction and operation of high-speed ground transportation systems on regional employment and economic growth;

"(H) recommendations for the roles appropriate for local, regional, and State governments to facilitate construction of high-speed ground transportation systems, including the roles of regional economic development authorities;

"(I) an assessment of the potential for a high-speed ground transportation technology export market;

"(J) recommendations regarding the coordination and centralization of Federal efforts relating to high-speed ground transportation;

"(K) an examination of the role of the National Railroad Passenger Corporation in the development and operation of high-speed ground transportation systems; and

"(L) any other economic or financial analyses the Secretary considers important for carrying out this section.

"(3) The technical assessment referred to in paragraph (1)(B) shall include—

"(A) an examination of the various technologies developed for use in the transportation of passengers by high-speed ground transportation, including a comparison of the safety (including dangers associated with grade crossings), energy efficiency, operational efficiencies, and environmental impacts of each system;

"(B) an examination of the potential role of a United States designed maglev system, developed as a prototype under section 1036(b) of the Intermodal Surface Transportation Efficiency Act of 1991, in relation to the implementation of other high-speed ground transportation technologies and the national transportation system;

"(C) an examination of the work being done to establish safety standards for high-speed ground transportation as a result of the enactment of section 7 of the Rail Safety Improvement Act of 1988;

"(D) an examination of the need to establish appropriate technological, quality, and environmental standards for high-speed ground transportation systems;

"(E) an examination of the significant unresolved technical issues surrounding the design, engineering, construction, and operation of high-speed ground transportation systems, including the potential for the use of existing rights-of-way;

"(F) an examination of the effects on air quality, energy consumption, noise, land use, health, and safety as a result of the decreases in traffic volume on other modes of transportation that are expected to result from the full-scale development of high-speed ground transportation systems; and

"(G) any other technical assessments the Secretary considers important for carrying out this section.

"(e)(1) Within 12 months after the submission of the study required by subsection (d), the Secretary shall establish the national high-speed ground transportation policy (hereinafter in this section referred to as the 'Policy').

"(2) The Policy shall include—

"(A) provisions to promote the design, construction, and operation of high-speed ground transportation systems in the United States;

"(B) a determination whether the various competing high-speed ground transportation technologies can be effectively integrated into a national network and, if not, whether 1 or more such technologies should receive preferential encouragement from the Federal Government to enable the development of such a national network;

"(C) a strategy for prioritizing the markets and corridors in which the construction of high-speed ground transportation systems should be encouraged; and

"(D) provisions designed to promote American competitiveness in the market for high-speed ground transportation technologies.

"(3) The Secretary shall solicit comments from the public in the development of the Policy and may consult with other Federal agencies as appropriate in drafting the Policy.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by inserting after the item relating to section 308 the following:

"309. High-speed ground transportation.".

(d) FUNDING.—

(1) OUT OF HIGHWAY TRUST FUND.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) the following sums:

(A) NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM.—For the national magnetic levitation prototype development program under this section $5,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $100,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, $125,000,000 for fiscal year 1996, and $125,000,000 for fiscal year 1997.

(B) NATIONAL HIGH-SPEED GROUND TRANSPORTATION TECHNOLOGY DEMONSTRATION PROGRAM.—For the national high-speed ground transportation technology demonstration program under section 309 of title 49, United States Code, $5,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(2) OUT OF GENERAL FUND.—In addition to amounts made available by paragraph (1), there is authorized to be appropriated for fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—

(A) $225,000,000 for the national magnetic levitation prototype development program under this section;

(B) $25,000,000 for the national high-speed ground transportation technology demonstration program under section 309 of title 49, United States Code; and

(C) $25,000,000 for national high-speed ground transportation research and development under section 309 of title 49, United States Code.

(3) PERIOD OF AVAILABILITY.—Funds made available by and under this section shall remain available until expended.

(4) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant or contract with funds made available by paragraph (1) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

(e) GUARANTEE OF OBLIGATIONS.—Section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "shall be or have been used";

(B) by striking "or" after "car management systems)," and inserting in lieu thereof "(2)"; and

(C) by inserting ", or (3) to acquire, rehabilitate, improve, develop, or establish high-speed rail facilities or equipment" after "new railroad facilities";

(2) in subsection (g)—

(A) by inserting "or high-speed rail services" after "rail services" both places it appears in paragraph (3);

(B) by inserting "or passengers" after "provide shippers" in paragraph (3);

(C) by striking "or improved" and inserting in lieu thereof "improved, developed, or established" in paragraph (4);

(D) by striking "improved, rehabilitated, or acquired" and inserting in lieu thereof "acquired, rehabilitated, improved, developed, or established" in paragraph (5);

(E) by striking "and" at the end of paragraph (5);

(F) by inserting "or high-speed rail carrier" after "affected railroad" in paragraph (6);

(G) by striking the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(H) by adding at the end the following new paragraph:

"(7) in the case of high-speed rail facilities and equipment, at least 85 percent of such facilities and equipment are mined, produced, or manufactured in the United States, unless the Secretary finds in writing that—

"(A) such requirement would be inconsistent with the public interest;

"(B) such facilities and equipment could not be mined, produced, or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality;

"(C) such a requirement would increase the cost of the facilities and equipment by more than 25 percent; or

"(D) such a requirement would result in a violation of obligations of the United States under international trade agreements.";

(3) in subsection (i)(1)—

(A) by amending subparagraph (B) to read as follows:

"(B)(i) will not use any funds or assets from railroad operations for nonrail purposes; and

"(ii) will not use any funds or assets from high-speed rail operations for purposes other than high-speed rail purposes,"; and

(B) by inserting "or high-speed rail services" after "provide rail services"; and

(4) by adding at the end the following new subsection:

"(n) DEFINITIONS.—As used in this section, the term 'high-speed rail' means all forms of nonhighway ground transportation that run on rails providing transportation service which is—

"(1) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

"(2) made available to members of the general public as passengers.

Such term does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation.".

(f) GENERAL ACCOUNTING OFFICE STUDY.—The Comptroller General, within 2 years after the date of the enactment of this Act, and annually thereafter, shall analyze the effectiveness of the application of section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 to high-speed rail facilities and equipment, and report the results of such analysis to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1037. RAILROAD RELOCATION DEMONSTRATION PROGRAM.

Section 163(p) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is amended by striking "and 1991," and inserting "1991, 1992, 1993, and 1994,".

SEC. 1038. USE OF RECYCLED PAVING MATERIAL.

(a) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER DEMONSTRATION PROGRAM.—Notwithstanding any other provision of title 23, United States Code, or regulation or policy of the Department of Transportation, the Secretary (or a State acting as the Department's agent) may not disapprove a highway project under chapter 1 of title 23, United States Code, on the ground that the project includes the use of asphalt pavement containing recycled rubber. Under this subsection, a patented application process for recycled rubber shall be eligible for approval under the same conditions that an unpatented process is eligible for approval.

(b) STUDIES.—

(1) IN GENERAL.—The Secretary and the Administrator of the Environmental Protection Agency shall coordinate and conduct, in cooperation with the States, a study to determine—

(A) the threat to human health and the environment associated with the production and use of asphalt pavement containing recycled rubber;

(B) the degree to which asphalt pavement containing recycled rubber can be recycled; and

(C) the performance of the asphalt pavement containing recycled rubber under various climate and use conditions.

(2) DIVISION OF RESPONSIBILITIES.—The Administrator shall conduct the part of the study relating to paragraph (1)(A) and the Secretary shall conduct the part of the study relating to paragraph (1)(C). The Administrator and the Secretary shall jointly conduct the study relating to paragraph (1)(B).

(3) ADDITIONAL STUDY.—The Secretary and the Administrator, in cooperation with the States, shall jointly conduct a study to determine the economic savings, technical performance qualities, threats to human health and the environment, and environmental benefits of using recycled materials in highway devices and appurtenances and highway projects, including asphalt containing over 80 percent reclaimed asphalt, asphalt containing recycled glass, and asphalt containing recycled plastic.

(4) ADDITIONAL ELEMENTS.—In conducting the study under paragraph (3), the Secretary and the Administrator shall exam-

ine utilization of various technologies by States and shall examine the current practices of all States relating to the reuse and disposal of materials used in federally assisted highway projects.

(5) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary and the Administrator shall transmit to Congress a report on the results of the studies conducted under this subsection, including a detailed analysis of the economic savings and technical performance qualities of using such recycled materials in federally assisted highway projects and the environmental benefits of using such recycled materials in such highway projects in terms of reducing air emissions, conserving natural resources, and reducing disposal of the materials in landfills.

(c) DOT GUIDANCE.—

(1) INFORMATION GATHERING AND DISTRIBUTION.—The Secretary shall gather information and recommendations concerning the use of asphalt containing recycled rubber in highway projects from those States that have extensively evaluated and experimented with the use of such asphalt and implemented such projects and shall make available such information and recommendations on the use of such asphalt to those States which indicate an interest in the use of such asphalt.

(2) ENCOURAGEMENT OF USE.—The Secretary should encourage the use of recycled materials determined to be appropriate by the studies pursuant to subsection (b) in federally assisted highway projects. Procuring agencies shall comply with all applicable guidelines or regulations issued by the Administrator of the Environmental Protection Agency.

(d) USE OF ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—

(1) STATE CERTIFICATION.—Beginning on January 1, 1995, and annually thereafter, each State shall certify to the Secretary that such State has satisfied the minimum utilization requirement for asphalt pavement containing recycled rubber established by this section. The minimum utilization requirement for asphalt pavement containing recycled rubber as a percentage of the total tons of asphalt laid in such State and financed in whole or part by any assistance pursuant to title 23, United States Code, shall be—

(A) 5 percent for the year 1994;

(B) 10 percent for the year 1995;

(C) 15 percent for the year 1996; and

(D) 20 percent for the year 1997 and each year thereafter.

(2) OTHER MATERIALS.—Any recycled material or materials determined to be appropriate by the studies under subsection (b) may be substituted for recycled rubber under the minimum utilization requirement of paragraph (1) up to 5 percent.

(3) INCREASE.—The Secretary may increase the minimum utilization requirement of paragraph (1) for asphalt pavement containing recycled rubber to be used in federally assisted highway projects to the extent it is technologically and economically feasible to do so and if an increase is appropriate to assure markets for the reuse and recycling of scrap tires. The minimum utilization requirement for asphalt pavement containing recy-

cled rubber may not be met by any use or technique found to be unsuitable for use in highway projects by the studies under subsection (b).

(4) Penalty.—The Secretary shall withhold from any State that fails to make a certification under paragraph (1) for any fiscal year, a percentage of the apportionments under section 104 (other than subsection (b)(5)(A)) of title 23, United States Code, that would otherwise be apportioned to such State for such fiscal year under such section equal to the percentage utilization requirement established by paragraph (1) for such fiscal year.

(5) Secretarial waiver.—The Secretary may set aside the provisions of this subsection for any 3-year period on a determination, made in concurrence with the Administrator of the Environmental Protection Agency with respect to subparagraphs (A) and (B) of this paragraph, that there is reliable evidence indicating—

(A) that manufacture, application, or use of asphalt pavement containing recycled rubber substantially increases the threat to human health or the environment as compared to the threats associated with conventional pavement;

(B) that asphalt pavement containing recycled rubber cannot be recycled to substantially the same degree as conventional pavement; or

(C) that asphalt pavement containing recycled rubber does not perform adequately as a material for the construction or surfacing of highways and roads.

The Secretary shall consider the results of the study under subsection (b)(1) in determining whether a 3-year set-aside is appropriate.

(6) Renewal of waiver.—Any determination made to set aside the requirements of this section may be renewed for an additional 3-year period by the Secretary, with the concurrence of the Administrator with respect to the determinations made under paragraphs (5)(A) and (5)(B). Any determination made with respect to paragraph (5)(C) may be made for specific States or regions considering climate, geography, and other factors that may be unique to the State or region and that would prevent the adequate performance of asphalt pavement containing recycled rubber.

(7) Individual state reduction.—The Secretary shall establish a minimum utilization requirement for asphalt pavement containing recycled rubber less than the minimum utilization requirement otherwise required by paragraph (1) in a particular State, upon the request of such State and if the Secretary, with the concurrence of the Administrator of the Environmental Protection Agency, determines that there is not a sufficient quantity of scrap tires available in the State prior to disposal to meet the minimum utilization requirement established under paragraph (1) as the result of recycling and processing uses (in that State or another State), including retreading or energy recovery.

(e) Definitions.—For purpose of this section—

(1) the term "asphalt pavement containing recycled rubber" means any hot mix or spray applied binder in asphalt paving mixture that contains rubber from whole scrap tires which is used for asphalt pavement base, surface course or interlayer, or other road and highway related uses and—

(A) is a mixture of not less than 20 pounds of recycled rubber per ton of hot mix or 300 pounds of recycled rubber per ton of spray applied binder; or

(B) is any mixture of asphalt pavement and recycled rubber that is certified by a State and is approved by the Secretary, provided that the total amount of recycled rubber from whole scrap tires utilized in any year in such State shall be not less than the amount that would be utilized if all asphalt pavement containing recycled rubber laid in such State met the specifications of subparagraph (A) and subsection (d)(1); and

(2) the term "recycled rubber" is any crumb rubber derived from processing whole scrap tires or shredded tire material taken from automobiles, trucks, or other equipment owned and operated in the United States.

SEC. 1039. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROGRAM.

(a) RESEARCH GRANTS.—The Secretary may make grants to other Federal agencies, universities, private businesses, nonprofit organizations, and any research or engineering entity to carry out research on 1 or more of the following:

(1) Development of new, economical highway timber bridge systems.

(2) Development of engineering design criteria for structural wood products for use in highway bridges in order to improve methods for characterizing lumber design properties.

(3) Preservative systems for use in highway timber bridges which demonstrate new alternatives and current treatment processes and procedures and which are environmentally sound with respect to application, use, and disposal of treated wood.

(4) Alternative transportation system timber structures which demonstrate the development of applications for railing, sign, and lighting supports, sound barriers, culverts, and retaining walls in highway applications.

(5) Rehabilitation measures which demonstrate effective, safe, and reliable methods for rehabilitating existing highway timber structures.

(b) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as may be necessary to ensure that the information and technology resulting from research conducted under subsection (a) is made available to State and local transportation departments and other interested persons.

(c) CONSTRUCTION GRANTS.—

(1) AUTHORITY.—The Secretary shall make grants to States for construction of highway timber bridges on rural Federal-aid highway.

(2) APPLICATIONS.—A State interested in receiving a grant under this subsection must submit an application therefor to

the Secretary. Such application shall be in such form and contain such information as the Secretary may require by regulation.

(3) APPROVAL CRITERIA.—The Secretary shall select and approve applications for grants under this subsection based on the following criteria:

(A) Bridge designs which have both initial and long-term structural and environmental integrity.

(B) Bridge designs which utilize timber species native to the State or region.

(C) Innovative bridge designs which have the possibility of increasing knowledge, cost effectiveness, and future use of such designs.

(D) Environmental practices for preservative treated timber, and construction techniques which comply with all environmental regulations, will be utilized.

(d) FEDERAL SHARE.—The Federal share of the costs of research and construction projects carried out under this section shall be 80 percent.

(e) FUNDING.—From the funds reserved from apportionment under section 144(g)(1) of title 23, United States Code, for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—

(1) $1,000,000 shall be available to the Secretary for carrying out subsections (a) and (b); and

(2) $7,500,000 ($7,000,000 in the case of fiscal year 1992) shall be available to the Secretary for carrying out subsection (c).

Such sums shall remain available until expended.

(f) STATE DEFINED.—For purposes of this section, the term "State" has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1040. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—The Secretary shall use funds made available by subsection (e) to carry out highway use tax evasion projects in accordance with this section. Such funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary. The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this section.

(b) LIMITATION ON USE OF FUNDS.—Funds made available to carry out this section shall be used only to expand efforts to enhance motor fuel tax enforcement, fund additional Internal Revenue Service staff but only to carry out functions described in this subsection, supplement motor fuel tax examinations and criminal investigations, develop automated data processing tools to monitor motor fuel production and sales, evaluate and implement registration and reporting requirements for motor fuel taxpayers, reimburse State expenses that supplement existing fuel tax compliance efforts, and analyze and implement programs to reduce tax evasion associated with other highway use taxes.

(c) MAINTENANCE OF EFFORT.—The Secretary may not make a grant to a State under this section in a fiscal year unless the State certifies that aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be

maintained at a level which does not fall below the average level of such expenditure for its last 2 fiscal years.

(d) REPORTS.—

(1) IN GENERAL.—On September 30 and March 31 of each year, the Secretary shall transmit to the Committee on Environment and Public Works and the Committee on Finance of the Senate and the Committee on Public Works and Transportation and the Committee on Ways and Means of the House of Representatives a report on motor fuel tax enforcement activities under this section and the expenditure of funds made available to carry out this section, including expenses for the hiring of additional staff by any Federal agency.

(2) USE OF REVENUES FOR ENFORCEMENT OF HIGHWAY TRUST FUND TAXES.—The Secretary of the Treasury shall, at least 60 days before the beginning of each fiscal year (after fiscal year 1992) for which funds are to be allocated to the Internal Revenue Service under this section, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 9503(b)(1) of the Internal Revenue Code of 1986.

(e) USE OF DYE AND MARKERS.—

(1) STUDY.—The Secretary, in consultation with the Internal Revenue Service, shall conduct a study to determine the feasibility and the desirability of using dye and markers to aid in motor fuel tax enforcement activities and other purposes.

(2) REPORT.—Not later than 1 year after the effective date of this section, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(f) FUNDING.—

(1) HIGHWAY TRUST FUND.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997. Such sums shall be available for obligation in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code; except that the Federal share for projects carried out under this section shall be 100 percent and the sums shall remain available until expended.

(2) GENERAL FUND.—There are authorized to be appropriated to carry out this section $2,500,000 per fiscal year for each of fiscal years 1992 through 1997. Such sums shall remain available until expended.

(g) STATE DEFINED.—For purposes of this section, the term "State" means the 50 States and the District of Columbia.

SEC. 1041. REGULATORY INTERPRETATIONS.

(a) INCLUSION OF COATING OF STEEL IN BUY AMERICA PROGRAM.—Section 635.410 of title 23 of the Code of Federal Regulations and any similar regulation, ruling, or decision shall be applied as if to include coating.

(b) Funding of Fusees and Flares.—Section 393.95 of title 49 of the Code of Federal Regulations shall be applied so that fusees and flares are given equal priority with regard to use as reflecting signs.

SEC. 1042. INDIAN RERVATION ROADS STUDY.

(a) Study.—The Secretary shall conduct a study on the funding needs for Indian reservation roads taking into account funding and other quality inequities between Indian reservation roads and other highway systems.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section, together with any legislative and administrative recommendations of the Secretary for correcting inequities identified under such study.

SEC. 1043. REPORT TO CONGRESS ON QUALITY IMPROVEMENT.

(a) Report to Congress on Quality Improvement.—The Comptroller General shall submit within 24 months following the date of the enactment of this title a report to Congress addressing means for improving the quality of highways constructed with Federal assistance. This report shall address Federal design standards, engineering and design services, and construction of Federal-aid highway projects.

(b) Scope of the Report to Congress.—In preparing such report, the Comptroller shall address, at a minimum, the following:

(1) Alternative modifications to current Federal and State minimum design standards, including but not limited to, the anticipated impacts these alternatives would have on the serviceability, maintenance, expected life, and costs (including engineering and design, construction maintenance, operation and replacement costs).

(2) Inclusion of guarantee and warranty clauses in contracts with designers, contractors, and State highway departments to address, at a minimum, potential costs and benefits of such clauses; any liability or insurance constraints or concerns; implications for small, minority, or disadvantaged businesses; currently existing options for States to require these clauses or other means with similar effect without additional Federal legislation, and the effect these or similar clauses may have on the availability of insurance and bonds for design professionals and contractors and the implication to the public of any change in such availability.

(3) Means of enhancing the maintenance of the Federal-aid Highway System to ensure the public investment in such system is protected.

SEC. 1044. CREDIT FOR NON-FEDERAL SHARE.

(a) Eligibility.—A State may use as a credit toward the non-Federal matching share requirement for all programs under this Act and title 23, United States Code, toll revenues that are generated and used by public, quasi-public and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public or private agencies shall have built, improved, or maintained such facilities without Federal funds.

(b) MAINTENANCE OF EFFORT.—The credit for any non-Federal share shall not reduce nor replace State monies required to match Federal funds for any program pursuant to this Act or title 23, United States Code. In receiving a credit for non-Federal capital expenditures under this section, a State shall enter into such agreements as the Secretary may require to ensure that such State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding three fiscal years.

(c) TREATMENT.—Use of such credit for a non-Federal share shall not expose such agencies from which the credit is received to additional liability, additional regulation or additional administrative oversight. When credit is applied from chartered multi-State agencies, such credit shall be applied equally to all charter States. The public, quasi-public, and private agencies from which the credit for which the non-Federal share is calculated shall not be subject to any additional Federal design standards, laws or regulations as a result of providing non-Federal match other than those to which such agency is already subject.

SEC. 1045. SUBSTITUTE PROJECT.

(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Governor of the State of Wisconsin, submitted after consultation with appropriate local government officials, the Secretary may approve substitute highway, bus transit, and light rail transit projects, in lieu of construction of the I-94 East-West Transitway project in Milwaukee and Waukesha Counties, as identified in the 1991 Interstate Cost Estimate.

(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute highway or transit project or projects under subsection (a), the costs of construction of the eligible transitway project for which such project or projects are substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate submitted to Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project or projects.

(c) LIMITATION ON ELIGIBILITY.—If, by October 1, 1993, or two years after the date of the enactment of this Act, whichever is later, the Governor of the State of Wisconsin has not submitted a request for a substitute project or projects in lieu of the I-94 East-West Transitway, the Secretary shall not approve such substitution. If, by October 1, 1995, or four years after the date of the enactment of this Act, whichever is later, such substitute project or projects are not under construction, or under contract for construction, no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for such project or projects. For the purposes of this subsection, the term "construction" has the same meaning as given to it in section 101, title 23, United States Code, and shall include activities such as preliminary engineering and right-of-way acquisition.

(d) ADMINISTRATIVE PROVISIONS.—

(1) Status of substitute project or projects.—Any substitute project approved under subsection (a) shall be deemed to be a substitute project for the purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)).

(2) Reduction of unobligated interstate apportionment.—Unobligated apportionments for the Interstate System in the State of Wisconsin shall, on the date of approval of any substitute project or projects under subsection (a), be applied toward the Federal share of the costs of such substitute project or projects.

(3) Administration through FHWA.—The Secretary shall administer this section through the Federal Highway Administration.

(4) Fiscal years 1993 and 1994 apportionments.—For the purpose of apportioning funds for fiscal years 1993 and 1994 under section 104(b)(5)(A), the Secretary shall consider Wisconsin as having no remaining eligible costs. For the purpose of apportioning funds under section 104(b)(5)(A) of title 23, United States Code, for fiscal year 1995 and subsequent fiscal years, Wisconsin's actual remaining eligible costs shall be used.

(e) Transfer of Apportionments.—Wisconsin may transfer Interstate construction apportionments to its National Highway System in amounts equal to or less than the costs for additional work on sections of the Interstate System that have been built with Interstate construction funds and that are open to traffic as shown in the 1991 Interstate Cost Estimate.

SEC. 1046. CONTROL OF OUTDOOR ADVERTISING.

(a) Funding.—Section 131(m) of title 23, United States Code, is amended by adding at the end the following new sentence: "Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section.".

(b) Removal of Illegal Signs.—Section 131 of such title is amended by adding at the end the following new subsection:

"(r) Removal of Illegal Signs.—

"(1) By owners.—Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of such sign, display, or device not later than the 90th day following the effective date of this subsection.

"(2) By states.—If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs of such removal. Effective control under this section includes compliance with the first sentence of this paragraph.".

(c) Scenic Byway Prohibition.—Such section is further amended by adding at the end the following new subsections:

"(s) Scenic Byway Prohibition.—If a State has a scenic byway program, the State may not allow the erection along any highway

on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section.

"(t) PRIMARY SYSTEM DEFINED.—For purposes of this section, the terms 'primary system' and 'Federal-aid primary system' mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.".

(d) STATE COMPLIANCE LAWS.—The amendments made by this section shall not affect the status or validity of any existing compliance law or regulation adopted by a State pursuant to section 131 of title 23, United States Code.

SEC. 1047. SCENIC BYWAYS PROGRAM.

(a) SCENIC BYWAYS ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish in the Department of Transportation an advisory committee to assist the Secretary with respect to establishment of a national scenic byways program under title 23, United States Code.

(2) MEMBERSHIP.—The advisory committee established under this section shall be composed of 17 members as follows:

(A) The Administrator of the Federal Highway Administration or the designee of the Administrator who shall serve as chairman of the advisory committee.

(B) The Chief of the Forest Service of the Department of Agriculture or the designee of the Chief.

(C) The Director of the National Park Service of the Department of the Interior or the designee of the Director.

(D) The Director of the Bureau of Land Management of the Department of the Interior or the designee of the Director.

(E) The Under Secretary for Travel and Tourism of the Department of Commerce or the designee of the Under Secretary.

(F) The Assistant Secretary for Indian Affairs of the Department of the Interior or the designee of the Assistant Secretary.

(G) 1 individual appointed by the Secretary who is specially qualified to represent the interests of conservationists on the advisory committee.

(H) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests of recreational users of scenic byways on the advisory committee.

(I) 1 individual appointed by the Secretary who is specially qualified to represent the interests of the tourism industry on the advisory committee.

(J) 1 individual appointed by the Secretary who is specially qualified to represent the interests of historic preservationists on the advisory committee.

(K) 1 individual appointed by the Secretary who is specially qualified to represent the interests of highway users on the advisory committee.

(L) 1 individual appointed by the Secretary to represent State highway and transportation officials.

(M) 1 individual appointed by the Secretary to represent local highway and transportation officials.

(N) 1 individual appointed by the Secretary who is specially qualified to serve on the advisory committee as a planner.

(O) 1 individual appointed by the Secretary who is specially qualified to represent the motoring public.

(P) 1 individual appointed by the Secretary who is specially qualified to represent groups interested in scenic preservation.

(Q) 1 individual appointed by the Secretary who represents the outdoor advertising industry.

Individuals appointed as members of the advisory committee under subparagraphs (G) through (P) may be State and local government officials. Members shall serve without compensation other than for reasonable expenses incident to functions of the advisory committee.

(3) FUNCTIONS.—The advisory committee established under this subsection shall develop and make to the Secretary recommendations regarding minimum criteria for use by State and Federal agencies in designating highways as scenic byways and as all-American roads for purposes of a national scenic byways program to be established under title 23, United States Code. Such recommendations shall include recommendations on the following:

(A) Consideration of the scenic beauty and historic significance of highways proposed for designation as scenic byways and all-American roads and the areas surrounding such highways.

(B) Operation and management standards for highways designated as scenic byways and all-American roads, including strategies for maintaining or improving the qualities for which a highway is designated as a scenic byway or all-American road, for protecting and enhancing the landscape and view corridors surrounding such a highway, and for minimizing traffic congestion on such a highway.

(C)(i) Standards for scenic byway-related signs, including those which identify highways as scenic byways and all-American roads.

(ii) The advisability of uniform signs identifying highways as components of the scenic byway system.

(D) Standards for maintaining highway safety on the scenic byway system.

(E) Design review procedures for location of highway facilities, landscaping, and travelers' facilities on the scenic byway system.

(F) Procedures for reviewing and terminating the designation of a highway designated as a scenic byway.

(G) Such other matters as the advisory committee may deem appropriate.

(H) Such other matters for which the Secretary may request recommendations.

(4) Report.—Not later than 18 months after the date of the enactment of this Act, the advisory committee established under this section shall submit to the Secretary and Congress a report containing the recommendations described in paragraph (3).

(b) Technical and Financial Assistance.—The Secretary shall provide technical assistance to the States (as such term is defined under section 101 of title 23, United States Code) and shall make grants to the States for the planning, design, and development of State scenic byway programs.

(c) Federal Share.—The Federal share payable for the costs of planning, design, and development of State scenic byway programs under this section shall be 80 percent.

(d) Funding.—There shall be available to the Secretary for carrying out this section (other than subsection (f)), out of the Highway Trust Fund (other than the Mass Transit Account), $1,000,000 for fiscal year 1992, $3,000,000 for fiscal year 1993, $4,000,000 for fiscal year 1994, and $14,000,000 for each of the fiscal years 1995, 1996, and 1997. Such sums shall remain available until expended.

(e) Contract Authority.—Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of activities for which the grant is being made.

(f) Interim Scenic Byways Program.—

(1) Grant program.—During fiscal years 1992, 1993, and 1994, the Secretary may make grants to any State which has a scenic highway program for carrying out eligible projects on highways which the State has designated as scenic byways.

(2) Priority projects.—In making grants under paragraph (1), the Secretary shall give priority to—

(A) those eligible projects which are included in a corridor management plan for maintaining scenic, historic, recreational, cultural, and archeological characteristics of the corridor while providing for accommodation of increased tourism and development of related amenities;

(B) those eligible projects for which a strong local commitment is demonstrated for implementing the management plans and protecting the characteristics for which the highway is likely to be designated as a scenic byway;

(C) those eligible projects which are included in programs which can serve as models for other States to follow when establishing and designing scenic byways on an intrastate or interstate basis; and

(D) those eligible projects in multi-State corridors where the States submit joint applications.

(3) Eligible projects.—The following are projects which are eligible for Federal assistance under this subsection:

(A) Planning, design, and development of State scenic byway programs.

(B) Making safety improvements to a highway designated as a scenic byway under this subsection to the extent such improvements are necessary to accommodate increased traffic, and changes in the types of vehicles using the highway, due to such designation.

(C) Construction along the highway of facilities for the use of pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities.

(D) Improvements to the highway which will enhance access to an area for the purpose of recreation, including water-related recreation.

(E) Protecting historical and cultural resources in areas adjacent to the highway.

(F) Developing and providing tourist information to the public, including interpretive information about the scenic byway.

(4) FEDERAL SHARE.—The Federal share payable for the costs of carrying out projects and developing programs under this subsection with funds made available pursuant to this subsection shall be 80 percent.

(5) FUNDING.—There shall be available to the Secretary for carrying out this subsection, out of the Highway Trust Fund (other than the Mass Transit Account), $10,000,000 for fiscal year 1992, $10,000,000 for fiscal year 1993, and $10,000,000 for fiscal year 1994. Such sums shall remain available until expended.

(g) LIMITATION.—The Secretary shall not make a grant under this section for any project which would not protect the scenic, historic, recreational, cultural, natural, and archeological integrity of the highway and adjacent area. The Secretary may not use more than 10 percent of the funds authorized for each fiscal year under subsection (f)(5) for removal of any outdoor advertising sign, display, or device.

(h) TREATMENT OF SCENIC HIGHWAYS IN OREGON.—For purposes of this section, a highway designated as a scenic highway in the State of Oregon shall be treated as a scenic byway.

SEC. 1048. BUY AMERICA.

(a) INCLUSION OF IRON.—Section 165(a) of the Surface Transportation Assistance Act of 1982 (23 U.S.C. 101 note) is amended by inserting ", iron," after "steel".

(b) WAIVERS; INTENTIONAL VIOLATIONS.—Section 165 of such Act is amended by adding at the end the following new subsections:

"(e) REPORT ON WAIVERS.—By January 1, 1995, the Secretary shall submit to Congress a report on the purchases from foreign entities waived under subsection (b) in fiscal years 1992 and 1993, indicating the dollar value of items for which waivers were granted under subsection (b).

"(f) INTENTIONAL VIOLATIONS.—If it has been determined by a court or Federal agency that any person intentionally—

"(1) affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product used

in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

"(2) represented that any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States, was produced in the United States;

that person shall be ineligible to receive any contract or subcontract made with funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991 pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

"(g) LIMITATION ON APPLICABILITY OF WAIVERS TO PRODUCTS PRODUCED IN CERTAIN FOREIGN COUNTRIES.—If the Secretary, in consultation with the United States Trade Representative, determines that—

"(1) a foreign country is a party to an agreement with the United States and pursuant to that agreement the head of an agency of the United States has waived the requirements of this section, and

"(2) the foreign country has violated the terms of the agreement by discriminating against products covered by this section that are produced in the United States and are covered by the agreement,

the provisions of subsection (b) shall not apply to products produced in that foreign country.".

SEC. 1049. DESIGN STANDARDS.

(a) SURVEY.—The Secretary shall conduct a survey to identify current State standards relating to geometric design, traffic control devices, roadside safety, safety appurtenance design, uniform traffic control devices, and sign legibility and directional clarity for all Federal-aid highways. The purpose of the survey is to determine the necessity of upgrading such standards in order to enhance highway safety. In conducting the survey, the Secretary shall take into consideration posted speed limits as they relate to the design of the highway.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the survey conducted under this section, and on the crashworthiness of traffic lights, traffic signs, guardrails, impact attenuators, concrete barrier treatments, and breakaway utility poles for bridges and roadways currently used by States, together with any recommendations of the Secretary relating to the purpose of the survey.

SEC. 1050. TRANSPORTATION IN PARKLANDS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, shall conduct and transmit to Congress a study of alternative transportation modes for use in the National Park System. In conducting such study, the Secretary shall consider (1) the economic and technical feasibility, environmental effects, projected costs and benefits as compared to the costs and benefits of ex-

isting transportation systems, and general suitability of transportation modes that would provide efficient and environmentally sound ingress to and egress from National Park lands; and (2) methods to obtain private capital for the construction of such transportation modes and related infrastructure.

(b) FUNDING.—From sums authorized to be appropriated for park roads and parkways for fiscal year 1992, $300,000 shall be available to carry out this section.

SEC. 1051. WORK ZONE SAFETY.

The Secretary shall develop and implement a work zone safety program which will improve work zone safety at highway construction sites by enhancing the quality and effectiveness of traffic control devices, safety appurtenances, traffic control plans, and bidding practices for traffic control devices and services.

SEC. 1052. NEW HAMPSHIRE FEDERAL-AID PAYBACK.

(a) EFFECT OF REPAYMENT.—The amount of all Federal-aid highway funds paid on account of those completed sections of the Nashua-Hudson Circumferential in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States before October 1, 1992. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of funds apportioned to the State of New Hampshire in accordance with section 104(b)(1) of title 23, United States Code. The amount so credited shall be in addition to all other funds then apportioned to such State and shall remain available until expended.

(b) USE OF REPAID FUNDS.—Upon repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-Aid highway program of the projects on the section in subsection (c) as provided in subsection (a) of this section, such section of this route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) PROJECT DESCRIPTION.—The provisions of this section shall apply to the section of the completed Nashua-Hudson Circumferential between the Daniel Webster Highway in the city of Nashua and New Hampshire Route 3A in the town of Hudson.

SEC. 1053. METRIC SYSTEM SIGNING.

Section 144 of the Federal-Aid Highway Act of 1978 (92 Stat. 2713; 23 U.S.C. 109 note) is repealed.

SEC. 1054. TEMPORARY MATCHING FUND WAIVER.

(a) WAIVER OF MATCHING SHARE.—Notwithstanding any other provision of law, the Federal share of any qualifying project approved by the Secretary under title 23, United States Code, and of any qualifying project for which the United States becomes obligated to pay under title 23, United States Code, during the period beginning on October 1, 1991, and ending September 30, 1993, shall be the percentage of the construction cost as the State requests, up to and including 100 percent.

(b) REPAYMENT.—The total amount of increases in the Federal share made pursuant to subsection (a) for any State shall be repaid to the United States by the State on or before March 30, 1994. Payments shall be deposited in the Highway Trust Fund and repaid amounts shall be credited to the appropriate apportionment accounts of the State.

(c) DEDUCTION FROM APPORTIONMENTS.—If a State has not made the repayment as required by subsection (b), the Secretary shall deduct from funds apportioned to the State under title 23, United States Code, in each of the fiscal years 1995 and 1996, a pro rata share of each category of apportioned funds. The amount which shall be deducted in each fiscal year shall be equal to 50 percent of the amount needed for repayment. Any amount deducted under this subsection shall be reapportioned for fiscal years 1995 and 1996 in accordance with title 23, United States Code, to those States which have not received a higher Federal share under this section and to those States which have made the repayment required by subsection (b).

(d) QUALIFYING PROJECT DEFINED.—For purposes of this section, the term "qualifying project" means a project approved by the Secretary after the effective date of this title, or a project for which the United States becomes obligated to pay after such effective date, and for which the Governor of the State submitting the project has certified, in accordance with regulations established by the Secretary, that sufficient funds are not available to pay the cost of the non-Federal share of the project.

SEC. 1055. RELOCATION ASSISTANCE REGULATIONS RELATING TO THE RURAL ELECTRIFICATION ADMINISTRATION.

Section 213(c) of the Uniform 'Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633(c)) is amended by inserting "and the Rural Electrification Administration" after "Tennessee Valley Authority".

SEC. 1056. USE OF HIGH OCCUPANCY VEHICLE LANES BY MOTORBIKES.

Section 163 of the Surface Transportation Assistance Act of 1982 (23 U.S.C. 146 note) is amended—

(1) by inserting before "and acceptance" the following: ", after notice in the Federal Register and an opportunity for public comment,"; and

(2) by adding at the end the following: "Any certification made before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 shall not be recognized by the Secretary until the Secretary publishes notice of such certification in the Federal Register and provides an opportunity for public comment on such certification.".

SEC. 1057. EROSION CONTROL GUIDELINES.

(a) DEVELOPMENT.—The Secretary shall develop erosion control guidelines for States to follow in carrying out construction projects funded in whole or in part under this title.

(b) MORE STRINGENT STATE REQUIREMENTS.—Guidelines developed under subsection (a) shall not preempt any requirement made by or under State law if such requirement is more stringent than the guidelines.

(c) CONSISTENCY WITH OTHER PROGRAMS.— Guidelines developed under subsection (a) shall be consistent with nonpoint source management programs under section 319 of the Federal Water Pollution Control Act and coastal nonpoint pollution control guidance under section 6217(g) of the Omnibus Budget Reconciliation Act of 1990.

SEC. 1058. ROADSIDE BARRIER TECHNOLOGY.

(a) REQUIREMENT FOR INNOVATIVE BARRIERS.—Not less than 2½ percent of the mileage of new or replacement permanent median barriers included in awarded contracts along Federal-aid highways within the boundaries of a State in each calendar year shall be innovative safety barriers.

(b) CERTIFICATION.—Each State shall annually certify to the Secretary its compliance with the requirements of this section.

(c) DEFINITION OF INNOVATIVE SAFETY BARRIER.—For purposes of this section, the term "innovative safety barrier" means a median barrier, other than a guardrail, classified by the Federal Highway Administration as "experimental" or that was classified as "operational" after January 1, 1985.

SEC. 1059. USE OF TOURIST ORIENTED DIRECTIONAL SIGNS.

(a) IN GENERAL.—The Secretary shall encourage the States to provide for equitable participation in the use of tourist oriented directional signs or "logo" signs along the Interstate System and the Federal-aid primary system (as defined under section 131(t) of title 23, United States Code).

(b) STUDY.—Not later than 1 year after the effective date of this title, the Secretary shall conduct a study and report to Congress on the participation in the use of signs referred to in subsection (a) and the practices of the States with respect to the use of such signs.

SEC. 1060. PRIVATE SECTOR INVOLVEMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a private sector involvement program to encourage States to contract with private firms for engineering and design services in carrying out Federal-aid highway projects when it would be cost effective.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—In conducting the program under this section, the Secretary may make grants in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 to not less than 3 States which the Secretary determines have implemented in the fiscal year preceding the fiscal year of the grant the most effective programs for increasing the percentage of funds expended for contracting with private firms (including small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals) for engineering and design services in carrying out Federal-aid highway projects.

(2) USE OF GRANTS.—A grant received by a State under this subsection may be used by the State only for awarding contracts for engineering and design services to carry out projects and activities for which Federal funds may be obligated under title 23, United States Code.

(3) FUNDING.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1992

through 1997. Such sums shall remain available until expended.

(c) Report by FHWA.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Highway Administration shall submit to the Secretary a report on the amount of funds expended by each State in fiscal years 1980 through 1990 on contracts with private sector engineering and design firms in carrying out Federal-aid highway projects. The Secretary shall use information in the report to evaluate State engineering and design programs for the purpose of awarding grants under subsection (b).

(d) Report to Congress.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on implementation of the program established under this section.

(e) Engineering and Design Services Defined.—The term "engineering and design services" means any category of service described in section 112(b) of title 23, United States Code.

(f) Regulations.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue regulations to carry out this section.

SEC. 1061. UNIFORM TRAFFIC CONTROL DEVICES.

(a) Highway Project.—The Secretary shall carry out a highway project in the State of Arkansas to demonstrate the benefits of providing training to county and town traffic officials in the need for and application of uniform traffic control devices and to demonstrate the safety benefits of providing for adequate and safe warning and regulatory signs.

(b) Authorization of Appropriations From Highway Trust Funds.—There is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, for fiscal year 1992 to carry out this section—

(1) $200,000 for providing training; and

(2) $1,000,000 for providing warning and regulatory signs to counties, towns and cities.

Amounts provided under paragraph (2) shall be divided equally between counties with a total county population of 20,000 or less and counties with a total county population of more than 20,000. Such amounts shall be distributed fairly and equitably among counties, cities, and towns within those counties.

(c) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the project under this section shall be 80 percent and such funds shall remain available until expended. Funds made available under this section shall not be subject to any obligation limitation.

(d) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit a report to Congress on the effectiveness of the project carried out under this section.

SEC. 1062. MOLLY ANN'S BROOK, NEW JERSEY.

The Secretary shall carry out a project to make modifications to bridges necessary for the Secretary of the Army to carry out a project *for flood control, Molly Ann's Brook, New Jersey, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4119). Any Federal expenditures under this part for such project shall be treated as part of the non-Federal share of the cost of such flood control project.*

SEC. 1063. PRESIDENTIAL HIGHWAY, FULTON COUNTY, GEORGIA.

(a) General Rule.—Notwithstanding any other provision of law, the Secretary shall approve the construction of the Department of Transportation project MEACU-9152(2) in Fulton County, Georgia, as described in the legal settlement agreed to for the project by the Georgia Department of Transportation, the city of Atlanta, and CAUTION, Inc. Execution of the settlement agreement by those parties and approval of the settlement agreement by the DeKalb County, Georgia Superior Court shall be deemed to constitute full compliance with all Federal laws applicable to carrying out the project.

(b) Limitations on Federal Funding.—With the exception of Federal funds expended for construction of the project described in subsection (a) and with the exception of Federal funds appropriated or authorized for the acquisition, creation, or development of parks or battlefield sites, no further Federal funds, including funds from the Highway Trust Fund and funds appropriated for the Federal-aid highway systems, shall be authorized, appropriated, or expended for expanding the capacity of the project described in subsection (a) or for new construction of a Federal-aid highway in any portion of rights-of-way previously acquired for Department of Transportation project MEACU-9152(2) which is not used for construction of such project as described in subsection (a) and in any portion of the rights-of-way previously acquired for Georgia project I-485-1(46) in Fulton County, Georgia; Georgia project U-061-1(14) in Fulton and DeKalb Counties, Georgia; and Georgia project F-056-1(12) in Fulton County, Georgia.

(c) Limitation on Effect.—In the event that the settlement agreement referred to in subsection (a) is not executed by the parties or approved by the DeKalb County, Georgia Superior Court in Case No. 88-6429-3, this section shall have no force or effect.

SEC. 1064. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) In General.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c) of title 23, United States Code.

(b) Federal Share.—The Federal share payable for construction of ferry boats and ferry terminal facilities under this section shall be 80 percent of the cost thereof.

(c) Funding.—There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for obligation at the discretion of the Secretary $14,000,000 for fiscal year 1992, $17,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, and 1996, and $18,000,000 for fiscal year 1997 in carrying out this section. Such sums shall remain available until expended.

(d) Applicability of Title 23.—All provisions of chapter 1 of title 23, United States Code, that are applicable to the National Highway System, other than provisions relating to apportionment

formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.

(e) TREATMENT OF CERTAIN ROADS.—For purposes of this section, North Carolina State Routes 12, 45, 306, 615, and 168 and United States Route 421 in the State of North Carolina shall be treated as principal arterials.

SEC. 1065. ORANGE COUNTY TOLL PILOT PROJECTS.

(a) EXEMPTION OF CERTAIN LANDS.—For the purposes of any approval by the Secretary of proposed highway improvements authorized by section 129(d)(3) of title 23, United States Code, in Orange County, California, pursuant to section 303 of title 49, United States Code, and section 138 of title 23, United States Code, those sections (collectively known as "section 4(f)") shall not be applicable to public park, recreation area, wildlife and waterfowl refuge (collectively referred to hereinafter in this section as "parkland")—

(1) that are acquired by a public entity after a governmental agency's approval of a State or Federal environmental document established the location of a highway adjacent to the parklands; or

(2) where the planning or acquisition documents for the parklands specifically referred to or reserved the specific location of the highway.

(b) APPLICABILITY.—Without limiting its prospective application, this section shall apply to any approval of the proposed highway improvements by the Secretary prior to the effective date of this section only if—

(1) the approximately 360 acres comprising the proposed Upper Peters Canyon Regional Park in Orange County, California, is conveyed to a public agency for use as public park and recreation land or a wildlife or waterfowl refuge, or both, within 90 days of such effective date;

(2) the approximately 100 acres of lands described as the Dedication Area in that certain Option Agreement dated April 16, 1991, by and between the city of Laguna Beach and the owner thereof is conveyed to a public agency for use as public park and recreation land for a wildlife or waterfowl refuge, or both, within 90 days of such effective date.

(c) PURPOSE.—This section is adopted in recognition of unique circumstances in Orange County, California, including a comprehensive land use planning process; the joint planning of thousands of acres of parklands with the locations of the proposed highway improvement; the provision of rights-of-way for high occupancy vehicle lanes and fixed rail transit in the 3 transportation corridors; the use of toll financing, which will discourage excessive automobile travel; and the inclusion of a county-wide growth management element and substantial local transit funding commitment in the county's voter-approved supplemental sales tax for transportation.

(d) LIMITATIONS ON STATUTORY CONSTRUCTION.—In no event shall this section be construed to apply to any other highway projects other than the proposed San Joaquin Hills, Foothill, and Eastern Transportation Corridor highways in Orange County, California. Nothing in this section is intended to waive any provision of law

(including the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act) other than the specific exemptions to section 303 of title 49 and section 138 of title 23, United States Code. Nothing in this section shall be construed to give effect to or approve regulations issued pursuant to section 4(f) and published in the Federal Register on April 1, 1991 (56 Federal Register 62).

SEC. 1066. RECODIFICATION.

The Secretary shall, by October 1, 1993, prepare a proposed recodification of title 23, United States Code, and related laws and submit the proposed recodification to Congress for consideration.

SEC. 1067. PRIOR DEMONSTRATION PROJECTS.

(a) Tampa, Florida.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(81) of such section shall be available to the Secretary for carrying out a highway project to widen, modernize, and make safety improvements to interstate route I-4 in Hillsborough County, Florida, from its intersection with I-275 in Tampa, Florida, to the Hillsborough-Polk County line.

(b) Santa Fe, New Mexico.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(107) of such section shall be available to the Secretary for carrying out a highway project to construct a bypass for Santa Fe, New Mexico.

(c) Larkspur to Korbel, California.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(41)(B) of such section shall be available to the Secretary for carrying out a highway project to construct a transportation corridor along a right-of-way which is parallel to Route 101 in California and connects Larkspur, California, and Korbel, California.

(d) Passaic and Bergen Counties, New Jersey.—The highway project authorized by section 149(a)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181), shall include improvements to New Jersey State Route 21, the Crooks Avenue interchange between United States Route 46 and New Jersey State Route 20, and the United States Route 46 bridge over the Passaic River between Clifton and Elmwood Park, New Jersey. Notwithstanding any other provision of law, the Governor of the State of New Jersey shall carry out with respect to the construction of such highway project all of the responsibilities of the Secretary under title 23, United States Code, and all other provisions of law. To provide for expedited completion of the project, the Governor is authorized to waive any and all Federal requirements relating to the scheduling of activities associated with such highway project, including final design and right-of-way acquisition activities.

SEC. 1068. STORMWATER PERMIT REQUIREMENTS.

(a) General Rule.—Notwithstanding the requirements of sections 402(p)(2) (B), (C), and (D) of the Federal Water Pollution Con-

trol Act, permit application deadlines for stormwater discharges associated with industrial activities from facilities that are owned or operated by a municipality shall be established by the Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") pursuant to the requirements of this section.

(b) PERMIT APPLICATIONS.—

(1) INDIVIDUAL APPLICATIONS.—The Administrator shall require individual permit applications for discharges described in subsection (a) on or before October 1, 1992; except that any municipality that has participated in a timely part I group application for an industrial activity discharging stormwater that is denied such participation in a group application or for which a group application is denied shall not be required to submit an individual application until the 180th day following the date on which the denial is made.

(2) GROUP APPLICATIONS.—With respect to group applications for permits for discharges described in subsection (a), the Administrator shall require—

(A) part I applications on or before September 30, 1991, except that any municipality with a population of less than 250,000 shall not be required to submit a part I application before May 18, 1992; and

(B) part II applications on or before October 1, 1992, except that any municipality with a population of less than 250,000 shall not be required to submit a part II application before May 17, 1993.

(c) MUNICIPALITIES WITH LESS THAN 100,000 POPULATION.—The Administrator shall not require any municipality with a population of less than 100,000 to apply for or obtain a permit for any stormwater discharge associated with an industrial activity other than an airport, powerplant, or uncontrolled sanitary landfill owned or operated by such municipality before October 1, 1992, unless such permit is required by section 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act.

(d) UNCONTROLLED SANITARY LANDFILL DEFINED.—For the purposes of this section, the term "uncontrolled sanitary landfill" means a landfill or open dump, whether in operation or closed, that does not meet the requirements for run-on and run-off controls established pursuant to subtitle D of the Solid Waste Disposal Act.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect any application or permit requirement, including any deadline, to apply for or obtain a permit for stormwater discharges subject to section 402(p)(2)(A) or (E) of the Federal Water Pollution Control Act.

(f) REGULATIONS.—The Administrator shall issue final regulations with respect to general permits for stormwater discharges associated with industrial activity on or before February 1, 1992.

SEC. 1069. MISCELLANEOUS HIGHWAY PROJECT AUTHORIZATIONS.

(a) BALTIMORE-WASHINGTON PARKWAY.—There is authorized to be appropriated $74,000,000 for renovation and reconstruction of the Baltimore-Washington Parkway in Prince Georges County, Mary-

land. The Federal share of the cost of such project shall be 100 percent.

(b) Exit 26 Bridge.—There is authorized to be appropriated $22,400,000 for construction of the Exit 26 Bridge in Schenectady County, New York. The Federal share of the cost of such project shall be 80 percent.

(c) Cumberland Gap Tunnel.—There are authorized to be appropriated such sums as may be necessary to complete construction of the Cumberland Gap Tunnel, Kentucky, including associated approaches and other necessary road work. The Federal share of the cost of such project shall be 100 percent.

(d) Riverside Expressway.—There is authorized to be appropriated $53,400,000 for construction of the Riverside Expressway, including bridges crossing the Monongahela River and Buffalo Creek, in the vicinity of Fairmont, West Virginia. The Federal share of the cost of such project shall be 80 percent.

(e) Busway.—There is authorized to be appropriated $39,500,000 for design and construction of an exclusive busway linking Pittsburgh and Pittsburgh Airport. The Federal share of such project shall be 80 percent.

(f) Exton Bypass.—There is authorized to be appropriated $11,004,000 for construction of the Exton Bypass, in Exton, Pennsylvania. The Federal share of such project shall be 80 percent.

(g) Pennsylvania Route 33 Extension.—There is authorized to be appropriated $5,400,000 for extension of Route 33 in Northampton County, Pennsylvania. The Federal share of such project shall be 80 percent.

(h) U.S. Route 202.—There is authorized to be appropriated $4,500,000 for construction of U.S. Route 202. The Federal share of such project shall be 80 percent.

(i) Woodrow Wilson Bridge.—There is authorized to be appropriated $15,000,000 for rehabilitation of the Woodrow Wilson Bridge. The Federal share of such project shall be 100 percent.

(j) Warren Outerbelt Improvement, Warren, Ohio.—There is authorized to be appropriated $1,000,000 for design and construction of Warren Outerbelt improvements, Warren, Ohio. The Federal share of such project shall be 80 percent.

(k) Ohio State Route 46 Improvements.—There is authorized to be appropriated $2,000,000 for design and construction of Ohio State Route 46 improvements. The Federal share of such project shall be 80 percent.

(l) Ohio State Route 5 Improvements.—There is authorized to be appropriated $1,000,000 for design and construction of Ohio State Route 5 improvements. The Federal share of such project shall be 80 percent.

(m) U.S. Route 62 Improvements, Ohio.—There is authorized to be appropriated $1,000,000 for design and construction of U.S. Route 62 improvements, Ohio. The Federal share of such project shall be 80 percent.

(n) Ohio State Route 534 Improvements.—There is authorized to be appropriated $1,000,000 for design and construction of Ohio State Route 534 improvements. The Federal share of such project shall be 80 percent.

(o) Ohio State Route 45 Improvements.—There is authorized to be appropriated $1,000,000 for design and construction of Ohio State Route 45 improvements. The Federal share of such project shall be 80 percent.

(p) Route 120, Lock Haven, Pennsylvania.—There is authorized to be appropriated $4,000,000 for the widening of Route 120 and the removal of unstable rockfill area, Lock Haven, Pennsylvania. The Federal share of such project shall be 80 percent.

(q) Truss Bridge, Tioga River, Lawrenceville, Pennsylvania.—There is authorized to be appropriated $3,200,000 to replace the existing Truss Bridge across the Tioga River, in Lawrenceville, Pennsylvania. The Federal share of such project shall be 80 percent.

(r) U.S. Route 6, Bradford County, Pennsylvania.—There is authorized to be appropriated $3,000,000 for the widening of U.S. Route 6 (Wysox Narrows Road), in Bradford County, Pennsylvania. The Federal share of such project shall be 80 percent.

(s) Sebring/Mansfield Bypass, Pennsylvania.—There is authorized to be appropriated $4,800,000 for design and construction of the Sebring/Mansfield Bypass on U.S. 15, Pennsylvania. The Federal share of such project shall be 80 percent.

(t) I-5 Improvements.—The States of Oregon and Washington should give priority consideration to improvements on the I-5 Corridor. The Secretary shall give priority consideration to funding I-5 improvements in Oregon and Washington from section 118(c)(2) of title 23, United States Code, as amended by this Act. The Secretary shall give the highest priority to those Oregon projects identified in the State's transportation improvement plan.

(u) Route 219.—The Secretary shall designate Route 219 from the Maryland line to Buffalo, New York, as part of the National Highway System.

(v) Coalfields Expressway.—There is authorized to be appropriated such sums as may be necessary for design and construction of the project known as "Coalfields Expressway" from Beckley, West Virginia, to the West Virginia-Virginia State line, generally following the corridor defined by, but not necessarily limited to, Routes 54, 97, 10, 16, and 93. The Federal share of such project shall be 80 percent.

(w) United States Route 119.—There is authorized to be appropriated $70,000,000 for upgrading United States Route 119 to 4 lanes beginning west of Huddy, Kentucky. The Federal share of such project shall be 80 percent.

(x) Chambersburg, Pennsylvania.—Not later than 30 days after the date of the enactment of this Act, in Chambersburg, Pennsylvania, at both the intersection of Lincoln Way and Sixth Street and the intersection of Lincoln Way and Coldbrook Avenue, the Pennsylvania Department of Transportation shall include an exclusive pedestrian phase in the existing lighting sequence between the hours of 8:00 and 8:30 a.m. and between the hours of 2:45 and 3:45 p.m. on weekdays.

(y) Construction of and Improvements to the Appalachian Development Highway System.—There is authorized to be appropriated such sums as may be necessary for projects involving construction of, and improvements to, corridors of the Appalachian Development Highway System.

(z) United States Route 52 in West Virginia.—(1) There is authorized to be appropriated such sums as may be necessary for projects for the construction, renovation, and reconstruction of United States Route 52 in West Virginia.

(2) The Federal share payable on account of any such project shall be 80 percent of the cost thereof.

(aa) Route 219, New York.—(1) For the purpose of projects to improve and upgrade Route 219 in New York, from Springeville to the Pennsylvania border Route 219 shall be considered as eligible for funding under the Appalachian Development Highway System.

(2) For purposes of paragraph (1) there is authorized to be appropriated such sums as may be necessary. The Federal share payable on account of such project shall be 80 percent of the cost thereof.

(bb) Routes 5 and 92 Congestion Management Project.—There is authorized to be appropriated $20,000,000 to carry out a project to relieve congestion in the vicinity of the intersection of routes 5 and 92 in the Towns of Manlius, New York, and Dewitt, New York.

(cc) Rochester Advanced Traffic Management System.—There is authorized to be appropriated $15,000,000 to implement an integrated advanced traffic management/advanced driver information system in the city of Rochester, New York.

(dd) Rensselaer Access Project.—There is authorized to be appropriated $35,000,000 to construct a new interchange (Exit 8) on Interstate Route 90, which includes an access-controlled roadway, in Rensselaer County, New York.

(ee) Gowanus Expressway Corridor Improvements.—There is authorized to be appropriated $200,000,000 to carry out improvements to the Gowanus Expressway Corridor in Brooklyn, New York.

(ff) I-287 Cross Westchester Expressway High Occupancy Vehicle Lane Project.—There is authorized to be appropriated $200,000,000 to construct High Occupancy Vehicle Lanes on the Cross Westchester Expressway in Westchester County, New York.

(gg) Oak Point Link Freight Access Project.—There is authorized to be appropriated $150,000,000 to complete the construction of the Oak Point Link in the Harlem River in New York City, New York.

(hh) Operational Improvements, Franklin Delano Roosevelt Drive.—There is authorized to be appropriated $50,000,000 to carry out operational and safety improvements to the Franklin Delano Roosevelt Drive in New York City, New York.

SEC. 1070. MODIFICATIONS OF NIAGARA FALLS BRIDGE COMMISSION CHARTER.

(a) Payment of Costs.—

(1) In general.—Section 4 of the joint resolution entitled "Joint resolution creating the Niagara Falls Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, New York", approved June 16, 1938, as amended (hereinafter in this section referred to as the "Joint Resolution"), is amended to read as follows:

"Sec. 4. The Commission is authorized to issue its obligations to provide funds for the acquisition or construction of bridges (provided the same is authorized by Act or Joint Resolution of Congress of the United States), and the repair, renovation and expansion of the same, working capital and other expenditures and deposits convenient to carrying out the Commission's purposes. The terms of the obligations shall be determined by resolution of the Commission (subject to such agreements with bondholders as may then exist), including provisions regarding rates of interest (either fixed or variable), contracts for credit support, risk management, liquidity or other financial arrangements, security or provision for payment of the obligations and such contracts (including the general obligation of the Commission and the pledge of all or any particular revenues or proceeds of obligations of the Commission). The obligations shall be sold at public or private sale at such prices above or below par as the Commission shall determine. As used herein 'bridges' includes approaches thereto, land, easements and functionally related appurtenances.".

(2) EXISTING CONTRACTUAL RIGHTS.—The amendments made by paragraph (1) shall be subject to the contractual rights of the holders of any of the bonds of the Niagara Falls Bridge Commission which are outstanding as of the date of the enactment of this section.

(b) REPAYMENTS.—Section 5 of the Joint Resolution is amended—

(1) in the first sentence—

(A) by striking "a fund" and "a sinking fund" each place such terms appear and inserting "funds",

(B) by striking "herein provided" and inserting "provided by resolution",

(C) by striking "bonds" and inserting "obligations,", and

(D) by striking "bridge" and inserting "bridges" each place such term appears, and

(2) by striking the second and third sentences and inserting: "After payment or provision for payment of the foregoing uses, the remainder of the tolls shall be applied, as and when the Commission determines, for purposes convenient to the accomplishment of its purposes.".

(c) TREATMENT OF COMMISSION.—The last sentence of section 6 of the Joint Resolution is amended to read as follows: "The Commission shall be deemed for purposes of all Federal law to be a public agency or public authority of the State of New York, notwithstanding any other provision of law.".

(d) ADMINISTRATIVE PROVISIONS.—Section 8 of the Joint Resolution is amended in the second sentence thereof by striking out "shall not be entitled to any compensation for their services but" and inserting "shall be entitled to reimbursement for actual expenses incurred in the performance of official duties and to a per diem allowance per member of $150 when rendering services as such member (but not exceeding $10,000 for any member in any fiscal year).".

SEC. 1071. PEACE BRIDGE TRUCK INSPECTION FACILITIES.

Notwithstanding any other provision of law, the Administrator of General Services shall lease truck inspection facilities for the Peace Bridge. Such facilities must be immediately adjacent to the intersection of Porter Avenue and the New York State Thruway in Buffalo, New York. Before leasing such facilities, the Administrator must be *assured that the facilities will be offered at a fair market price and that the facilities chosen will be connected to the bridge by a secure access road. Provided that these conditions are met, the Administrator shall enter into the lease on or before April 30, 1992.*

SEC. 1072. VEHICLE PROXIMITY ALERT SYSTEM.

The Secretary shall coordinate the field testing of the vehicle proximity alert system and comparable systems to determine their feasibility for use by priority vehicles as an effective railroad-highway grade crossing safety device. In the event the vehicle proximity alert or a comparable system proves to be technologically and economically feasible, the Secretary shall develop and implement appropriate programs under section 130 of title 23, United States Code, to provide for installation of such devices where appropriate.

SEC. 1073. ROADSIDE BARRIERS AND SAFETY APPURTENANCES.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to revise the guidelines and establish standards for installation of roadside barriers and other safety appurtenances, including longitudinal barriers, end terminals, and crash cushions. Such rulemaking shall reflect state-of-the-art designs, testing, and evaluation criteria contained in the National Cooperative Highway Research Program Report 230, relating to approval standards which provide an enhanced level of crashworthy performance to accommodate vans, mini-vans, pickup trucks, and 4-wheel drive vehicles.

(b) FINAL RULE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the rulemaking proceeding initiated under subsection (a), and issue a final rule regarding the implementation of revised guidelines and standards for acceptable roadside barriers and other safety appurtenances, including longitudinal barriers, end terminals, and crash cushions. Such revised guidelines and standards shall accommodate vans, mini-vans, pickup trucks, and 4-wheel drive vehicles and shall be applicable to the refurbishment and replacement of existing roadside barriers and safety appurtenances as well as to the installation of new roadside barriers and safety appurtenances.

SEC. 1074. DESIGNATION OF UNITED STATES ROUTE 69.

Notwithstanding any other provision of law, upon the request of the Oklahoma State highway agency, the Secretary shall designate the portion of United States Route 69 from the Oklahoma-Texas State line to Checotah in the State of Oklahoma as a part of the Interstate System pursuant to section 139 of title 23, United States Code.

SEC. 1075. SPECIAL PROVISIONS REGARDING CERTAIN HYDROELECTRIC PROJECTS.

(a) Brasfield Dam Project in Virginia.—(1) Notwithstanding section 13 of the Federal Power Act providing for the termination of a license issued by the Federal Energy Regulatory Commission (hereinafter in this subsection referred to as the "Commission") to the Appomattox River Water Authority (hereinafter in this subsection referred to as the "Authority") for the Brasfield Dam Hydroelectric Project (FERC Project No. 9840-001) on the Appomattox River in

Chesterfield and Dinwiddie Counties, Virginia, and notwithstanding the prior surrender of such license by the Authority, the Commission shall reissue such license to the Authority, together with any amendments necessary and appropriate to carry out this subsection, and extend the period referred to in section 13 of that Act for a period ending 3 years after the enactment of this Act, subject to the requirements of this section and the provisions of Federal Power Act.

(2) During the 3-year period referred to in paragraph (1), the Commission shall issue an order, at the request of the Authority, permitting the Authority to transfer the license for such project to another person designated by the Authority for the purpose of protecting the Authority from challenge in connection with its agreement of trust with the Crestar Bank or under any provision of law of the State of Virginia. Any such transfer shall occur at a time specified in the order which shall not be after the expiration of the 3-year period referred to in paragraph (1).

(3) Any license transfer under this subsection shall require that the licensee shall be subject to, and comply with, the license and the provisions of the Federal Power Act, including the provisions of section 10 (thereof (related to fish and wildlife) with respect to such project to the same extent and in the same manner as the Authority would be subject to such license and such Act in the absence of such transfer. Nothing in the transfer of such license shall affect the authority or power of the Commission under the license or under the Federal Power Act. Nothing in the Federal Power Act shall be construed as precluding a transfer of such license for the purposes specified in this section.

(4) Any license transfer under this subsection shall be subject to revocation, at the request of the Authority, to permit the Authority to surrender the license. No surrender of such license by the Authority (or by any other person) shall be effective until after—

(A) reasonable prior notice (as determined by the Commission),

(B) completion of project construction, including the installation of any facilities for the protection, mitigation, and enhancement of fish and wildlife required under the license (including facilities required by the State fish and wildlife agency); and

(C) delivery to the Commission of a statement certified by the Board of the Authority that the terms of any actual or proposed Commission order with respect to the Brasfield Dam Hydroelectric Project would cause the Authority to act in violation of its Charter or be inconsistent with its bond indentures.

The Commission shall accept the surrender of such license and establish conditions applicable to such license surrender which require the removal of hydroelectric power generation facilities, require that the licensee provide assurances satisfactory to the Commission that, following surrender of the license, the Brasfield Dam will be subject to State laws regarding fish and wildlife and dam safety and require that such surrender will not impose any duty, liability or obligation on the part of any department, agency, or instrumentality of the United States. Nothing in this section shall *affect the application of the River and Harbor Act of 1894 (33 U.S.C. Sec. 1).*

(b) Projects Nos. 3033, 3034, and 3246.—(1) Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806), the Federal Energy Regulatory Commission, upon the request of the licensees for Federal Energy Regulatory Commission Projects Nos. 3033, 3034, and 3246 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section and the Commission's procedures under such section, to extend—

(A) until August 10, 1994, the time required for the licensee to acquire the required real property and commence the construction of Project No. 3033, and until August 10, 1999, the time required for completion of construction of the project;

(B) until August 10, 1996, the time required for the licensee to acquire the required real property and commence the construction of Project No. 3034, and until August 10, 2001, the time required for completion of construction of the project; and

(C) until October 15, 1995, the time required for the licensee to acquire the required real property and commence the construction of Project No. 3246, and until October 15, 1999, the time required for completion of construction of the project.

(2) The authorization for issuing extensions under this subsection shall terminate 3 years after the date of enactment of this section.

(3) To facilitate requests under this subsection, the Commission may consolidate the requests.

(c) Union City, Michigan.—Notwithstanding section 23(b) or section 4(e) of the Federal Power Act, it shall not be unlawful for the municipality of Union City, Michigan, to operate, maintain, repair, reconstruct, replace, or modify—

(1) any dam which, as of the date of the enactment of this Act, is owned and operated by Union City, Michigan, and located across a segment of the St. Joseph River, in Branch County, Michigan, approximately 5 miles downstream from such municipality, or

(2) any water conduit, reservoir, power house, and other works incidental to such dam.

No license shall be required under part 1 of the Federal Power Act for the dam, water conduit, reservoir, power house, or other project works referred to in the preceding sentence and, subject to compliance with State laws, permission is hereby granted for such facilities to the same extent as in the case of facilities for which permission is granted under the last sentence of section 23(b) of that Act.

SEC. 1076. SHORELINE PROTECTION.

The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4135), is modified to authorize the Secretary to construct the project at a total first cost of $69,200,000, based on the New York District Engineer's draft General Design Memorandum dated April 1991, with an estimated first Federal cost of $39,800,000 and an estimated non-Federal cost of $29,400,000, and an average annual cost of $580,000 for periodic nourishment over the life of the *project, with an estimated annual Federal cost of $377,000 and an estimated annual non-Federal cost of $203,000. The Secretary shall proceed with the storm damage reduction measures as the first construction feature. The project is further modified to authorize the Secretary to relocate existing comfort and lifeguard stations at full Federal expense, provided such relocations are desired by the non-Federal sponsor. Operation and maintenance of the facilities after relocation will be a non-Federal responsibility. The cost of these relocations shall not be treated as a project cost for purposes of either economic evaluation or project cost-sharing of the project.*

SEC. 1077. REVISION OF MANUAL.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall revise the Manual of Uniform Traffic Control Devices and such other regulations and agreements of the Federal Highway Administration as may be necessary to authorize States and local governments, at their discretion, to install stop or yield signs at any rail-highway grade crossing without automatic traffic control devices with 2 or more trains operating across the rail-highway grade crossing per day.

SEC. 1078. DECLARATION OF NONNAVIGABILITY OF PORTION OF HUDSON RIVER, NEW YORK.

(a) DECLARATION OF NONNAVIGABILITY.—Subject to subsections (c), (d), and (e), the area described in subsection (b) is declared to be nonnavigable waters of the United States.

(b) AREA SUBJECT TO DECLARATION.—The area described in this subsection is the portion of the Hudson River, New York, described as follows (according to coordinates and bearings in the system used on the Borough Survey, Borough President's Office, New York, New York):

Beginning at a point in the United States Bulkhead Line approved by the Secretary of War, July 31, 1941, having a coordinate of north 1918.003 west 9806.753.

Running thence easterly, on the arc of a circle curving to the left, whose radial line bears north 3°-44′-20″ east, having a radius of 390.00 feet and a central angle of 22°-05′-50″, 150.41 feet to a point of tangency.

Thence north 71°-38′-30″ east, 42.70 feet.

Thence south 11°-05′-40″ east, 33.46 feet.

Thence south 78°-54′-20″ west, 0.50 feet.

Thence south 11°-05′-40″ east, 2.50 feet.

Thence north 78°-54′-20″ east, 0.50 feet.

Thence south 11°05′40″ east, 42.40 feet to a point of curvature.

Thence southerly, on the arc of a circle curving to the right, having a radius of 220.00 feet and a central angle of 16°37′40″, 63.85 feet to a point of compound curvature.

Thence still southerly, on the arc of a circle curving to the right, having a radius of 150.00 feet and a central angle of 38°39′00″, 101.19 feet to another point of compound curvature.

Thence westerly, on the arc of a circle curving to the right, having a radius of 172.05 feet and a central angle of 32°32′03″, 97.69 feet to a point of curve intersection.

Thence south 13°16′57″ east, 50.86 feet to a point of curve intersection.

Thence westerly, on the arc of a circle curving to the left, whose radial bears north 13°16'57" west, having a radius of 6.00 feet and a central angle of 180°32'31", 18.91 feet to a point of curve intersection.

Thence southerly, on the arc of a circle curving to the left, whose radial line bears north 75°37'11" east, having a radius of 313.40 feet and a central angle of 4°55'26", 26.93 feet to a point of curve intersection.

Thence south 70°41'45" west, 36.60 feet.

Thence north 13°45'00" west, 42.87 feet.

Thence south 76°15'00" west, 15.00 feet.

Thence south 13°45'00" east, 44.33 feet.

Thence south 70°41'45" west, 128.09 feet to a point in the United States Pierhead Line approved by the Secretary of War, 1936.

Thence north 63°08'48" west, along the United States Pierhead Line approved by the Secretary of War, 1936, 114.45 feet to an angle point therein.

Thence north 61°08'00" west, still along the United States Pierhead Line approved by the Secretary of War, 1936, 202.53 feet.

The following three courses being along the lines of George Soilan Park as shown on map prepared by The City of New York, adopted by the Board of Estimate, November 13, 1981, Acc. N° 30071 and lines of property leased to Battery Park City Authority and B. P. C. Development Corp.

Thence north 77°35'20" east, 231.35 feet.

Thence north 12°24'40" west, 33.92 feet.

Thence north 54°49'00" east, 171.52 feet to a point in the United States Bulkhead Line approved by the Secretary of War, July 31, 1941.

Thence north 12°24'40" west, along the United States Bulkhead Line approved by the Secretary of War, July 31, 1941, 62.26 feet to the point or place of beginning.

(c) DETERMINATION OF PUBLIC INTEREST.—The declaration made in subsection (a) shall not take effect if the Secretary of the Army (acting through the Chief of Engineers), using reasonable discretion, finds that the proposed project is not in the public interest—

(1) before the date which is 120 days after the date of the submission to the Secretary of appropriate plans for the proposed project; and

(2) after consultation with local and regional public officials (including local and regional public planning organizations).

(d) LIMITATION ON APPLICABILITY OF DECLARATION.—

(1) AFFECTED AREA.—The declaration made in subsection (a) shall apply only to those portions of the area described in subsection (b) which are or will be occupied by permanent structures (including docking facilities) comprising the proposed project.

(2) APPLICATION OF OTHER LAWS.—Notwithstanding subsection (a), all activities conducted in the area described in subsection (b) are subject to all Federal laws which apply to such activities, including—

(A) sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401, 403), commonly known as the River and Harbors Appropriation Act of 1899;

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1254); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) EXPIRATION DATE.—The declaration made in subsection (a) shall expire—

(1) on the date which is 6 years after the date of the enactment of this Act if work on the proposed project to be performed in the area described in subsection (b) is not commenced before such date; or

(2) on the date which is 20 years after the date of the enactment of this Act for any portion of the area described in subsection (b) which on such date is not bulkheaded, filled, or occupied by a permanent structure (including docking facilities).

(f) PROPOSED PROJECT DEFINED.—For the purposes of this section, the term "proposed project" means any project for the rehabilitation and development of—

(1) the structure located in the area described in subsection (b), commonly referred to as Pier A; and

(2) the area surrounding such structure.

SEC. 1079. CLEVELAND HARBOR, OHIO.

(a) DEAUTHORIZATION OF PORTION OF PROJECT FOR HARBOR MODIFICATION.—That portion described in subsection (b) of the project for harbor modification, Cleveland Harbor, Ohio, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is not authorized after the date of the enactment of this Act.

(b) AREA SUBJECT TO DEAUTHORIZATION.—The portion of the project for harbor modification, Cleveland Harbor, Ohio, described in this subsection is that portion situated in the City of Cleveland, Cuyahoga County, and State of Ohio, T7N, R13W and being more fully described as follows:

Beginning at an iron pin monument at the intersection of the centerline of East 9th Street (99 feet wide) with the centerline of relocated Erieside Avenue N.E. (70 ft. wide).

Thence South 50°06′52″ West on the centerline of relocated Erieside Avenue N.E. a distance of 112.89 feet to a point.

Thence southwesterly continuing on the centerline of relocated Erieside Avenue N.E. along the arc of a curve to the left, with a radius of 300.00 feet and whose chord bears South 42°36′52″ West 140.07 feet, an arc distance of 141.37 feet to a point.

Thence North 60°53′08″ West a distance of 35.00 feet to a point on the northwesterly right-of-way line of relocated Erieside Avenue N.E.

Thence South 29°06′52″ West on the northwesterly right-of-way line of relocated Erieside Avenue N.E. a distance of 44.36 feet to a point.

Thence North 33°53′08″ West a distance of 158.35 feet to a point.

Thence South 56°06′52″ West a distance of 76.00 feet to a point.

Thence North 78°53′08″ West a distance of 18.39 feet to a point.

Thence North 33°53′08″ West a distance of 33.50 feet to a point, said point being the true place of beginning of the parcel herein described.

Thence South 56°06′52″ West a distance of 84.85 feet to a point.

Thence North 33°53′08″ West a distance of 137.28 feet to a point.
Thence North 11°06′52″ East a distance of 225.00 feet to a point.
Thence South 78°53′08″ East a distance of 160.00 feet to a point.
Thence South 11°06′52″ West a distance of 46.16 feet to a point.
Thence South 56°06′52″ West a distance of 28.28 feet to a point.
Thence South 11°06′52″ West a distance of 89.70 feet to a point.
Thence South 33°53′08″ East a distance of 28.28 feet to a point.
Thence South 11°06′52″ West a distance of 83.29 feet to a point.
Thence South 56°06′52″ West a distance of 4.14 feet to a true place of beginning containing 42,646 square feet more or less.

(c) Reimbursement Not Required.—The Ohio Department of Natural Resources shall not be required to reimburse the Federal Government any portion of the credit received by the non-Federal project sponsor as provided for in Public Law 100–202 (101 Stat. 1329–108).

(d) Area to be Declared Nonnavigable; Public Interest.—Unless the Secretary of the Army finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of Cleveland Harbor, Ohio, described below, are not in the public interest then, subject to subsections (e) and (f) of this section, those portions of such Harbor, bounded and described as follows, are declared to be nonnavigable waters of the United States:

Situated in the City of Cleveland, Cuyahoga County and State of Ohio, T7N, R13W and being more fully described as follows:

Beginning at an iron pin monument at the intersection of the centerline of East 9th Street (99 feet wide) with the centerline of relocated Erieside Avenue, N.E., (70 feet wide) at Cleveland Regional Geodetic Survey Grid System, (CRGS) coordinates N92,679.734, E86,085.955;

Thence South 56°06′52″ West on the centerline of relocated Erieside Avenue, N.E., a distance of 89.50 feet to a drill hole set;

Thence North 33°53′08″ West a distance of 35.00 feet to a drill hole set on the northwesterly right-of-way line of relocated Erieside Avenue, N.E., said point being the true place of beginning of the parcel herein described;

Thence South 56°06′52″ West on the northwesterly right-of-way line of relocated Erieside Avenue, N.E., a distance of 23.39 feet to a ⅝ inch re-bar set;

Thence southwesterly on the northwesterly right-of-way line of relocated Erieside Avenue, N.E., along the arc of a curve to the left with a radius of 335.00 feet, and whose chord bears South 42°36′52″ West 156.41 feet, an arc distance of 157.87 feet to a ⅝ inch re-bar set;

Thence South 29°06′52″ West on the northwesterly right-of-way line of relocated Erieside Avenue, N.E., a distance of 119.39 feet to a ⅝ inch re-bar set;

Thence southwesterly on the northwesterly right-of-way of relocated Erieside Avenue, N.E., along the arc of a curve to the right with a radius of 665.00 feet, and whose chord *bears South 32°22′08″ West 75.50 feet, an arc distance of 75.54 feet to a ⅝ inch re-bar set;*

Thence North 33°53′08″ West a distance of 279.31 feet to a drill hole set;

Thence South 56°06′52″ West a distance of 37.89 feet to a drill hole set;

Thence North 33°53′08″ West a distance of 127.28 feet to a point;

Thence North 11°06′52″ East a distance of 225.00 feet to a point;

Thence South 78°53′08″ East a distance of 150.00 feet to a drill hole set;

Thence North 11°06′52″ East a distance of 32.99 feet to a drill hole set;

Thence North 33°53′08″ East a distance of 46.96 feet to a drill hole set;

Thence North 56°06′52″ East a distance of 140.36 feet to a drill hole set on the southwesterly right-of-way line of East 9th Street;

Thence South 33°53′08″ East on the southwesterly right-of-way line of East 9th Street a distance of 368.79 feet to a drill hole set;

Thence southwesterly along the arc of a curve to the right with a radius of 40.00 feet, and whose chord bears South 11°06′52″ West 56.57 feet, an arc distance of 62.83 feet to the true place of beginning containing 174,764 square feet (4.012 acres) more or less.

(e) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (d) shall apply only to those parts of the areas described in subsection (d) which are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

(f) EXPIRATION DATE.—If, 20 years from the date of the enactment of this Act, any area or part thereof described in subsection (d) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (e) of this section, or if work in connection with any activity permitted in subsection (e) is not commenced within 5 years after issuance of such permit, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 1080. DEAUTHORIZATION OF A PORTION OF THE CANAVERAL HARBOR, FLORIDA, PROJECT.

The following portion of the project for navigation, Canaveral Harbor, Florida, authorized by the River and Harbor Act of 1945, as modified by the River and Harbor Act of 1962 (Pub. L. 87-874), shall not be authorized after the date of the enactment of this Act: Begin at the northwesterly corner of the west turning basin, Federal navigation project, Canaveral Harbor, Brevard County, Florida, *having a northing of 1,483,798.695 and an easting of 619,159.191 (Florida east zone, State plane transverse mercator standard conical projections) and being depicted on the Department of the Army, Jacksonville District, Corps of Engineers 'Construction Dredging 31 Foot Project', D.O. File No. 11-34, 465 sheet 35, dated October 1984; thence S. 0°18'51" E., along said westerly boundary, a distance of 1320.00 feet; thence N. 89°41'09" E., a distance of 1095.00 feet; thence N. 62°35'15" W., a distance of 551.30 feet; thence N. 56°56'18" E., a distance of 552.87 feet; thence S. 89°41'09" W., a distance of 1072.00 feet to the point of beginning (containing 21.43 acres, more or less).*

SEC. 1081. INFRASTRUCTURE INVESTMENT COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the "Commission to Promote Investment in America's Infrastructure" (hereinafter in this section referred to as the "Commission").

(b) FUNCTION OF COMMISSION.—It shall be the function of the Commission to conduct a study on the feasibility and desirability of creating a type of infrastructure security to permit the investment of pension funds in funds used to design, plan, and construct infrastructure facilities in the United States. Such study may also include an examination of other methods of encouraging public and private investment in infrastructure facilities.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 7 members appointed as follows:

(A) 2 members appointed by the majority leader of the Senate.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 1 member appointed by the President.

(D) 1 member appointed by the minority leader of the Senate.

(E) 1 member appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Members of the Commission shall have appropriate backgrounds in finance, construction lending, actuarial disciplines, pensions, and infrastructure policy disciplines.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members.

(d) PAY AND TRAVEL EXPENSES.—Members shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Commission in the same manner as persons employed intermittently in the Government service are allowed under section 5703 of title 5, United States Code.

(e) STAFF.—Subject to such rules as may be prescribed by the Commission, the Chairperson may—

(1) appoint and fix the pay of an executive director, a general counsel, and such additional staff as the Chairperson considers necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter

53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for such staff members may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) Report.—Not later than 180 days after the date of the enactment of this Act, the Commission shall transmit to the President and Congress a report containing its findings and recommendations.

(g) Termination.—The Commission shall terminate on the 180th day following the date of the submission of its report under subsection (f).

SEC. 1082. DEAUTHORIZATION OF ACADEMY CREEK FEATURE OF THE BRUNSWICK HARBOR, GEORGIA, PROJECT.

The Academy Creek feature of the Brunswick Harbor, Georgia, project, authorized for construction by the River and Harbor Act of 1907 in accordance with House Document 407, 59th Congress, shall not be authorized after the date of the enactment of this Act.

SEC. 1083. NAMINGS.

(a) William H. Harsha Bridge.—The United States Route 68 bridge across the Ohio River between Aberdeen, Ohio, and Maysville, Kentucky, shall be known and designated as the "William H. Harsha Bridge".

(b) J. Clifford Naugle Bypass.—The highway bypass being constructed around the Borough of Ligonier in Westmoreland County, Pennsylvania, shall be known and designated as the "J. Clifford Naugle Bypass".

(c) Lindy Claiborne Boggs Lock and Dam.—

(1) Designation.—The lock and dam numbered 1 on the Red River Waterway in Louisiana shall be known and designated as the "Lindy Claiborne Boggs Lock and Dam".

(2) Reference.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Lindy Boggs Lock and Dam".

(d) Joseph Ralph Sasser Boat Ramp.—

(1) Designation.—The boat ramp constructed on the left bank of the Mississippi River at River Mile 752.5 at Shelby Forest in Shelby County, Tennessee, shall be known and designated as the "Joseph Ralph Sasser Boat Ramp".

(2) Legal reference.—A reference to any law, map, regulation, document, record, or other paper of the United States to such boat ramp shall be deemed to be a reference to the "Joseph Ralph Sasser Boat Ramp".

SEC. 1084. SIGNING OF UNITED STATES HIGHWAY 71.

The Arkansas State Highway and Transportation Department shall erect the signs along United States Highway 71 from the I-40 intersection to the Missouri-Arkansas State line which are *required to be erected by the Arkansas State law designated as Act 6 of 1989.*

SEC. 1085. CONTINUATION OF AUTHORIZATION FOR RHODE ISLAND NAVIGATION PROJECT.

(a) CONTINUATION OF AUTHORIZATION.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986, the project for navigation, Providence, Rhode Island, authorized by section 1166(c) of the Water Resources Development Act of 1986, shall remain authorized to be carried out by the Secretary.

(b) TERMINATION DATE.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during this period, funds have been obligated for construction, including planning and design, of the project.

SEC. 1086. PENSACOLA, FLORIDA.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of constructing, in accordance with standards applicable to Interstate System highways, a 4-lane highway connecting Interstate Route 65 and Interstate Route 10 in the vicinity of Pensacola, Florida.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations for the location of a corridor in which to construct the highway described in subsection (a).

SEC. 1087. INCLUSION OF CALHOUN COUNTY, MISSISSIPPI, IN APPALACHIA.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 403) is amended in the fifth undesignated paragraph of such section by inserting "Calhoun," after "Benton,".

SEC. 1088. HANDICAPPED PARKING SYSTEM.

(a) STUDY.—The Secretary shall conduct a study of the progress being made by the States in adopting and implementing the uniform system for handicapped parking established in regulations issued by the Secretary pursuant to Public Law 100–641 (102 Stat. 3335).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section.

SEC. 1089. FEASIBILITY OF INTERNATIONAL BORDER HIGHWAY INFRASTRUCTURE DISCRETIONARY PROGRAM.

(a) STUDY.—The Secretary shall conduct a study of the advisability and feasibility of establishing an international border highway infrastructure discretionary program. The purpose of such a program would be to enable States and Federal agencies to construct, replace, and rehabilitate highway infrastructure facilities at international borders when such States, agencies, and the Secretary find that an international bridge or a reasonable segment of a major highway providing access to such a bridge (1) is important; (2) is unsafe because of structural deficiencies, physical deterioration, or

functional obsolescence; (3) poses a safety hazard to highway users; (4) by its construction, replacement, or rehabilitation, would minimize disruptions, delays, and costs to users; or (5) by its construction, replacement, or rehabilitation, would provide more efficient routes for international trade and commerce.

(b) REPORT.—Not later than September 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with any recommendations to the Secretary.

SEC. 1090. METHODS TO REDUCE TRAFFIC CONGESTION DURING CONSTRUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that many highway projects are carried out in a way which unnecessarily disrupts traffic flow during construction and that methods need to be adopted to eliminate or reduce these disruptions.

(b) STUDY.—The Secretary shall conduct a study on methods of enhancing traffic flow and minimizing traffic congestion during construction of Federal-aid highway projects and on costs associated with implementing such methods.

(c) CONSIDERATIONS.—In conducting the study under this section, the Secretary shall consider—

(1) the feasibility of carrying out construction of Federal-aid highway projects during off-peak periods and limiting closure of highway lanes on Federal-aid highways to portions of highways for which actual construction is in progress and for which safety concerns require closure; and

(2) the need for establishment and operation by each State of a toll-free telephone number to receive complaints and provide information regarding the status of construction on Federal-aid highways in the State.

(d) REPORT.—Not later than September 30, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with such recommendations as the Secretary considers appropriate.

SEC. 1091. STUDY OF VALUE ENGINEERING.

(a) STUDY.—The Secretary shall study the effectiveness and benefits of value engineering review programs applied to Federal-aid highway projects. Such study shall include an analysis of and the results of specialized techniques utilized in all facets of highway construction for the purpose of reduction of costs and improvement of the overall quality of Federal-aid highway projects.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall report to Congress on the results of the study under subsection (a), including recommendations on how value engineering could be utilized and improved in Federal-aid highway projects.

SEC. 1092. PILOT PROGRAM FOR UNIFORM AUDIT PROCEDURES.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program under which any contract or subcontract awarded in accordance with section 112(b)(2)(A) of title 23, United States Code, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of

the Code of Federal regulations. The pilot program under this section shall include participation of not more than 10 States.

(b) Indirect Cost Rates.—In lieu of performing their own audits, the States participating in the pilot program shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or audited by an independent certified public accountant, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, all the recipients of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or defacto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subsection shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subsection, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

(c) Report.—Each State participating in the pilot program shall report to the Secretary not later than 3 years after the date of enactment of this Act on the results of the program.

SEC. 1093. RENTAL RATES.

Within 1 year after the date of the enactment of this Act, the Comptroller General shall complete a study on equipment rental rates for use in reimbursing contractors for extra work on Federal-aid projects. Such study shall include an analysis of the reasonableness of currently accepted equipment rental costs, adequacy of adjustments for regional or climactic differences, adequacy of consideration of mobilization costs, loss of time and productivity attendant to short-term usage of equipment, and approvals of rental rate costs by the Federal Highway Administration.

SEC. 1094. STUDY ON STATE COMPLIANCE WITH REQUIREMENTS FOR REVOCATION AND SUSPENSION OF DRIVERS' LICENSES.

(a) Study.—The Secretary shall conduct a study of State efforts to comply with the provisions of section 333 of the Department of Transportation and Related Agencies Appropriation Acts, 1991, 1992, relating to revocation and suspension of drivers' licenses.

(b) Report.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 1095. BROOKLYN COURTHOUSE.

The Administrator of the General Services Administration is authorized to enter into a lease with the United States Postal Service for space to house the Federal Courts and related Federal agencies in Brooklyn, New York. The Administrator is further authorized—

(1) to advance the amount provided in the fiscal year 1992 Treasury, Postal Service, and General Government Appropriation Act to the Postal Service to expedite the start of construction; and

(2) to transfer the present Emanuel Celler Federal Building and Courthouse in Brooklyn to the Postal Service.

SEC. 1096. BORDER STATION INTERNATIONAL FALLS, MINNESOTA.

The Administrator of the General Services Administration is authorized to provide for the construction of a 9,000 occupiable square foot border station at International Falls, Minnesota, at a total estimated cost of $2,480,000, in accordance with an amended prospectus submitted by the General Services Administration to the Senate Committee on Environment and Public Works on June 19, 1991.

SEC. 1097. MILLER HIGHWAY.

The Secretary shall deem the independent proposals to construct a new highway facility in the Route 9A corridor between the Battery and 59th Street, and to relocate the existing Miller Highway facility, between 59th Street and 72nd Street, on the west side of Manhattan, New York, New York, to be separate and distinct projects for the purposes of compliance with any applicable Federal laws.

SEC. 1098. ALLOCATION FORMULA STUDY.

(a) The General Accounting Office in conjunction with the Bureau of Transportation Statistics created pursuant to title VI of this Act, shall conduct a thorough study and recommend to the Congress within 2 years after the date of the enactment of this Act a fair and equitable apportionment formula for the allocation of Federal-aid highway funds that best directs highway funds to the places of greatest need for highway maintenance and enhancement based on the extent of these highway systems, their present use, and increases in their use.

(b) The results of this study shall be presented to the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation on or before January 1, 1994, and shall be considered by these committees as they reauthorize the surface transportation program in 1996.

SEC. 1099. ESTABLISHMENT OF INTERSTATE STUDY COMMISSION.

For the National Capital Region, comprised of the Washington, D.C., Metropolitan Statistical Area, a commission is established to recommend new mechanisms, authority, and/or agreements to fund, develop, and manage the transportation system of the National Capital Region, and primarily focusing on interstate highway and bridge systems. The commission shall develop its recommendations consistent with the transportation planning requirements for metropolitan areas as contained elsewhere in this bill. The study commission shall report to the Congress, the Department of Transportation, the Governors of Maryland and Virginia, the Mayor of the District of Columbia, and the National Capital Region Transportation Planning Board, the designated Metropolitan Planning Organization (MPO) for the Washington metropolitan area, no later than 12 months from the date of passage of this legislation. Representatives on the commission shall include a Member of Congress from each of Maryland, Virginia, and the District of Columbia; the Governors of Maryland and Virginia and the Mayor of the District of Columbia; 1 local elected official from each State and the District of Columbia appointed by the National Capital Region Transportation Planning Board; 3 private sector representatives appointed by the Governors *and the Mayor; and the commission chairman to be appointed by the Secretary of Transportation. There is authorized to be appropriated for the purposes of carrying out this section such sums as may be necessary for the commission to carry out its functions.*

SEC. 1100. EFFECTIVE DATE; APPLICABILITY; CERTAIN UNOBLIGATED BALANCES.

(a) General Rule.—This title, including the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) Applicability.—The amendments made by this title shall apply to funds authorized to be appropriated or made available after September 30, 1991, and, except as otherwise provided in subsection (c), shall not apply to funds appropriated or made available on or before September 30, 1991.

(c) Unobligated Balances.—

(1) In general.—Unobligated balances of funds apportioned to a State under sections 104(b)(1), 104(b)(2), 104(b)(5)(B), and 104(b)(6) of title 23, United States Code, before October 1, 1991, shall be available for obligation in that State under the law, regulations, policies and procedures relating to the obligation and expenditure of those funds in effect on September 30, 1991.

(2) Transferability.—

(A) Primary system.—A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid primary system before October 1, 1991, to the apportionment to such State under section 104(b)(1) or 104(b)(3) of title 23, United States Code, or both.

(B) Secondary and urban system.—A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid secondary system or the Federal-aid urban system before October 1, 1991, to the apportionment to such State under section 104(b)(3) of such title.

(C) Applicability of certain laws, regulations, policies, and procedures.—Funds transferred under this paragraph shall be subject to the laws, regulations, policies, and procedures relating to the apportionment to which they are transferred.

SEC. 1101-1102. STUDY ON IMPACT OF CLIMATIC CONDITIONS.

(a) Study.—The Secretary shall conduct a study of the effects of climatic conditions on the costs of highway construction and maintenance. The study shall take into account such climatic conditions as freezing, thawing, and precipitation and the impact of climatic conditions on increased highway design costs and decreased highway service life in the various regions of the United States.

(b) Report.—Not later than September 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with such recommendations as the Secretary considers appropriate. The report shall include a description of the implications of the differing costs on the allocation of highway funds to the States.

SEC. 1103. HIGH COST BRIDGE PROJECTS.

(a) Purpose.—The purpose of this section is to provide funds to accelerate construction of high cost bridge projects.

(b) Authorization of Projects.—The Secretary is authorized to carry out the high cost of bridge projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	City/State	High cost bridges	Amount in millions
1.	Delaware, Oklahoma	Construction of a replacement bridge on U.S Rt. 59 over Grand Lake in Delaware, Oklahoma	9.7
2.	Eugene, Oregon	Construction of the Ferry Street Bridge	23.7
3.	Beaver County, Pennsylvania	Construction of Aliquippa Ambridge Bridge of Beaver County, Pennsylvania	25.0
4.	Arkansas	For an expanded study of environmental impact and geo technical information for Arkansas-Mississippi Great River Bridge	0.8
5.	Gloucester Point, Virginia	Provide for additional crossing capacity of the York River	11.8
6.	San Francisco, California	For preliminary work associated with the seismic upgrading of the Golden Gate Bridge in San Francisco, California	5.9
7.	Cape May & Atlantic Counties, New Jersey	Replace critically important bridge between Ocean City and Longport, New Jersey	18.4
8.	Ohio	Conduct environmental and feasibility studies for the construction of a bridge or tunnel across the Maumee River in the vicinity of an existing left spain bridge	1.0
9.	Maine	Donald B. Carter Memorial Bridge	32.1
10.	Shakopee, Minnesota	Bloomington Ferry Bridge replacement, Shakopee, Minnesota	22.0
11.	Charleston, South Carolina	Highway 17 Bridge replacement projects: Cooper River, Charleston, South Carolina	14.2
12.	Ft. Lauderdale, Florida	17th Street Causeway Tunnel/Bridge replacement, Ft. Lauderdale, Florida	13.6
13.	Maryland	Woodrow Wilson Bridge rehabilitation	29.6
14.	New York	Macomb Dam Bridge, Manhattan Bridge Rehabilitation Project, Queensboro Bridge—Rehabilitation of Main Span, Williamsburg Bridge Rehabilitation Project, Brooklyn Bridge Rehabilitation	74.0
15.	Miami, Florida	Complete construction of Dodge Island Bridge	3.4

(c) Allocation Percentages.—8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) Federal Share.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) Delegation to States.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) Advance Construction.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such proce-

dures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it; the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 1104. CONGESTION RELIEF PROJECTS.

(a) PURPOSE.—The purpose of this section is to improve methods of congestion relief.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the congestion relief projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	City/State	*Congestion relief*	*Amount in millions*
1.	*Long Beach, California*	*Construction of HOV Lanes on I-710*	*7.4*
2.	*Philadelphia, Pennsylvania*	*Project to Construct Bridge-Pratt Terminal as part of an I-95 reconstruction mitigation project*	*34.5*
3.	*Davidson-Williamson County, Tennessee*	*Study and construction of the Davidson-Williamson Bike Path*	*1.0*
4.	*East St. Louis, Illinois to St. Louis, Missouri*	*To conduct a study to determine the feasibility of a bridge between East St. Louis, Illinois and St. Louis, Missouri*	*1.4*
5.	*St. Louis, Missouri*	*Relocation of Lindbergh Boulevard and Interstate 70 at St. Louis Lambert Airport*	*14.8*
6.	*District of Columbia*	*Primary Intermodal System, Washington, D.C.*	*6.8*
7.	*Buffalo, New York*	*Construction of Peace Bridge truck inspection facility*	*19.5*
8.	*Nashua, New Hampshire*	*Nashua River Bridge, Nashua, New Hampshire—Construction of second bridge*	*1.2*
9.	*Las Vegas, Nevada*	*Reconstruct and upgrade I-15/U.S. 95 (Spaghetti Bowl)*	*45.0*
10.	*San Diego, California*	*Construct 1 block of Cut and Cover Tunnel on Rt. 15 in downtown San Diego, California*	*5.0*
11.	*Los Angeles, California*	*To extend I-110 North from its current terminus at I-10 into downtown Los Angeles via Central City West Area in Los Angeles, California*	*10.1*
12.	*North Dakota*	*Design and construct 7.5 mile bypass around Lincoln State Park*	*1.1*
13.	*Babylon, New York*	*Construct turning lanes, sign upgrades, traffic signal interconnections and road repair and resurfacing*	*2.1*
14.	*Dixon, California*	*To improve 3 grade crossings in Dixon, California*	*1.8*
15.	*Fairfield, California*	*To construct 2 park & ride facilities, an information center and transfer hub for I-80 express and local bus service*	*7.7*
16.	*St. Louis, Missouri*	*Feasibility study for interchange improvements for I-255 at Rt. 231, St. Louis, Missouri*	*0.1*

City/State	Congestion relief	Amount in millions
17. Murfreesbro, Tennessee	*Conduct a feasibility study of constructing a bicycle system as an alternative form of commuter transportation, air pollution reduction, and enhance recreation*	*0.4*
18. Long Island, New York	*To make improvements on the Van Wyck Expressway to improve traffic flow, Long Island, New York*	*3.6*
19. Fox River Valley, Illinois	*Study, plan and construct up to 8 bridges across the Fox River*	*8.3*
20. Prince George's County, Maryland	*To rehabilitate the Baltimore-Washington Parkway in Prince George's County, Maryland*	*16.3*
21. Toledo, Ohio	*Conduct study of possible safety and traffic delay improvement benefits in 6 corridors*	*0.24*
22. Boston, Massachusetts	*To plan and construct a bicycle and pedestrian path connecting Arlington, Cambridge and Boston, Massachusetts*	*1.2*
23. Tucson, Arizona	*To make interchange improvements at Oracle and Orange Grove Roads in Tucson, Arizona*	*3.9*
24. Victorville, California	*Construct interchange 1 mile north of Palmdale Road on I-15*	*2.7*
25. Palm Beach, Florida	*Acquire right-of-way and construct and widen to 4 lanes 19 mile segment of U.S. 27*	*5.5*
26. Pennsylvania	*Improve River Street, Towanda Borough and North Towanda Township to form highway bypass*	*8.8*
27. Maine	*Topsham-Brunswick Bypass*	*10.5*
28. Rankin County, Mississippi	*East-Metro Center Access Road*	*4.6*
29. Kansas	*West Leavenworth Trafficway Project, Leavenworth, Kansas*	*8.6*
30. Broward County, Florida	*Hallandale Bridge Project, Broward County, Florida*	*8.5*
31. Idaho	*Any of the Federal-aid projects eligible for funding under title 23, United States Code, located in Bannock or Caribou County, shall be eligible for funding*	*10.1*
32. Michigan	*I-75/M57 Interchange improvement in the vicinity of Vienna Township, Michigan*	*8.9*
33. Prince William County, Virginia	*I-95 HOV lane extension*	*13.5*
34. St. Thomas, Virgin Islands	*Construction of Raphune Hill Bypass, St. Thomas, Virgin Islands*	*18.4*
35. Merrillville, Indiana	*Construction of four lane road and overpass*	*1.8*
36. Milwaukee and Waukesha Counties, Wisconsin	*I-794 Bicycle Transportation Project in Milwaukee and Waukesha Counties, Wisconsin*	*1.5*
37. Richmond, California	*I-80 Richmond Parkway Interchange*	*1.8*
38. New York, New York	*Construction of Williamsburg to Holland Tunnel Bypass*	*3.6*
39. Louisville, Kentucky	*Waterfront Development Roadway Improvements*	*4.7*
40. Sunnyvale, California	*HOV lane improvements on Lawrence Expressway*	*10.1*
41. Ohio	*Construction of a bicycle/pedestrian facility from Greene County, Ohio, to Dayton, Ohio*	*3.0*
42. Jefferson County and Berkeley County, West Virginia	*Improvements of State Highway 9 from Martinsburg, West Virginia to Virginia State line*	*110.0*
43. West Virginia	*Construction of the Coal Fields Expressway from Beckley, West Virginia to Virginia State line*	*50.0*
44. Maine	*Improvements to the Carlton Bridge in Bath-Woolwich*	*10.0*

(c) ALLOCATION PERCENTAGES.— 8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in fiscal year 1992. 18.4 percent of such

amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) Federal Share.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof. thereof.

(e) Delegation to States.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State. such State.

(f) Advance Construction.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) Applicability of title 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 1105. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) Findings.—The Congress finds that—

(1) the construction of the Interstate Highway System connected the major population centers of the Nation and greatly enhanced economic growth in the United States;

(2) many regions of the Nation are not now adequately served by the Interstate System or comparable highways and require further highway development in order to serve the travel and economic development needs of the region; and

(3) the development of transportation corridors is the most efficient and effective way of integrating regions and improving efficiency and safety of commerce and travel and further promoting economic development.

(b) Purpose.—It is the purpose of this section to identify highway corridors of national significance; to include those corridors on the National Highway System; to allow the Secretary, in cooperation with the States, to prepare long-range plans and feasibility studies for these corridors; to allow the States to give priority to funding the construction of these corridors; and to provide increased funding for segments of these corridors that have been identified for construction.

(c) Identification of High Priority Corridors on National Highway System.—The following are high priority corridors on the National Highway System:

(1) North-South Corridor from Kansas City, Missouri, to Shreveport, Louisiana.

(2) Avenue of the Saints Corridor from St. Louis, Missouri, to St. Paul, Minnesota.

(3) East-West Transamerica Corridor.

(4) Hoosier Heartland Industrial Corridor from Lafayette, Indiana, to Toledo, Ohio.

(5) I-73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, and Detroit, Michigan.

(6) United States Route 80 Corridor from Meridian, Mississippi, to Savannah, Georgia.

(7) East-West Corridor from Memphis, Tennessee, through Huntsville, Alabama, to Atlanta, Georgia, and Chattanooga, Tennessee.

(8) Highway 412 East-West Corridor from Tulsa, Oklahoma, through Arkansas along United States Route 62/63/65 to Nashville, Tennessee.

(9) United States Route 220 and the Appalachian Thruway Corridor from Business 220 in Bedford, Pennsylvania, to the vicinity of Corning, New York.

(10) Appalachian Regional Corridor X.

(11) Appalachian Regional Corridor V.

(12) United States Route 25E Corridor from Corbin, Kentucky, to Morristown, Tennessee, via Cumberland Gap, to include that portion of Route 58 in Virginia which lies within the Cumberland Gap Historical Park.

(13) Raleigh-Norfolk Corridor, Raleigh, North Carolina, to Norfolk, Virginia.

(14) Heartland Expressway from Denver, Colorado, through Scottsbluff, Nebraska, to Rapid City, South Dakota.

(15) Urban Highway Corridor along M–59 in Michigan.

(16) Economic Lifeline Corridor along I–15 and I–40 in California, Arizona, and Nevada.

(17) Route 29 Corridor from Greensboro, North Carolina, to the District of Columbia.

(18) Corridor from Indianapolis, Indiana, to Memphis, Tennessee, via Evansville, Indiana.

(19) United States Route 395 Corridor from the United States-Canadian border to Reno, Nevada.

(20) United States Route 59 Corridor from Laredo, Texas, through Houston, Texas, to the vicinity of Texarkana, Texas.

(21) United States Route 219 Corridor from Buffalo, New York, to the intersection of United States Route 17 in the vicinity of Salamanca, New York.

(d) Inclusion on NHS.—The Secretary shall include all corridors identified in subsection (c) on the proposed National Highway System submitted to Congress under section 103(b)(3) of title 23, United States Code.

(e) Provisions Applicable to Corridors.—

(1) LONG-RANGE PLAN.—The Secretary, in cooperation with the affected State or States, may prepare a long-range plan for the upgrading of each corridor to the appropriate standard for highways on the National Highway System. Each such plan may include a plan for developing the corridor and a plan for financing the development.

(2) FEASIBILITY STUDIES.—The Secretary, in cooperation with the affected State or States, may prepare feasibility and design studies, as necessary, for those corridors for which such studies have not been prepared. A feasibility study may be conducted under this subsection with respect to the corridor described in subsection (c)(2), relating to Avenue of the Saints, to determine the feasibility of an adjunct to the Avenue of the Saints serving the southern St. Louis metropolitan area and connecting with I-55 in the vicinity of Route A in Jefferson County, Missouri.

(3) CERTIFICATION ACCEPTANCE.—The Secretary may discharge any of his responsibilities under title 23, United States Code, relative to projects on a corridor identified under subsection (c), upon the request of a State, by accepting a certification by the State in accordance with section 117 of such title.

(4) ACCELERATION OF PROJECTS.—To the maximum extent feasible, the Secretary may use procedures for acceleration of projects in carrying out projects on corridors identified in subsection (c).

(f) HIGH PRIORITY SEGMENTS.—Highway segments of the corridors referred to in subsection (c) which are described in this subsection are high priority segments eligible for assistance under this section. Subject to subsection (g)(2), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out a project on each such segment the amount listed for each such segment:

	City/State	*High priority corridors*	*Amount in millions*
1	*Pennsylvania*	*For upgrading U.S. 220 High Priority and the Appalachian Thruway Corridor between State College and I-80*	*50.7*
2	*Alabama, Georgia, Mississippi, Tennessee*	*Upgrading of the East West Corridor along Rt. 72*	*25.4*
3	*Missouri*	*Improvement of North-South Corridor along Highway 71, Southwestern, MO*	*3.6*
4	*Arkansas*	*For construction of highway 412 from Siloam Springs to Springdale, Arkansas as part of Highway 412 East-West Corridor*	*34.0*
5	*Arkansas*	*For construction of Highway 412 from Harrison to Springdale, Arkansas as part of the Highway 412 East-West Corridor*	*58.0*
6	*Pennsylvania*	*To improve U.S. 220 to a 4-lane limited access highway from Bald Eagle northward to the intersection of U.S. 220 and U.S. 322*	*148.0*
7	*S. Dakota/Nebraska*	*Conduct a feasibility study of expressway from Rapid City, S. Dakota to Scotts Bluff, Nebraska*	*0.64*
8	*Alabama*	*Construction of Appalachian Highway Corridor X from Corridor V near Fulton, Mississippi to U.S. 31 at Birmingham, Alabama as part of Appalachian Highway X Corridor Project*	*59.2*

	City/State	High priority corridors	Amount in millions
9.	Alabama	For construction of a portion of Appalachian Development Corridor V from Mississippi State Line near Red Bay, Alabama to the Tennessee State Line north of Bridgeport, Alabama	25.4
10.	West Virginia	Construction of Shawnee Project from 3-Corner Junction to I-77 as part of I-73/74 Corridor project	4.5
11.	West Virginia	Widening U.S. Rt. 52 from Huntington to Williamson, W. Virginia as part of the I-73/74 Corridor project	100.0
12.	West Virginia	Replacement of U.S. Rt. 52 from Williamson, W. Virginia to I-77 as part of the I-73/74 Corridor project	14.0
13.	North Carolina/Virginia	For Upgrading I-64 and Route 17 Virginia and constructing a new highway from Rocky Mount to Elizabeth City, North Carolina as part of the Raleigh-Norfolk High Priority Corridor Improvements	17.8
14.	Arkansas	Construction of Highway 71 between Fayetteville and Alma, Arkansas as part of the North-South High Priority Corridor	100.0
15.	Arkansas/Texas	For construction of Highway 71 from Alma, Arkansas to Louisiana border	70.0
16.	Michigan	To widen a 60 mile portion of highway M-59 from MacComb County to I-96 in Howell County, Michigan	28.6
17.	South Dakota, Colorado, Nebraska	To improve the Heartland Expressway from Rapid City, South Dakota to Scotts Bluff, Nebraska	29.6
18.	Indiana	To construct a 4-Lane highway from Lafayette to Ft. Wayne, Indiana, following existing Indiana 25 and U.S. 24	9.5
19.	Ohio/Indiana	Conduct feasibility and economic study to widen Rt. 24 from Ft. Wayne, Indiana to Toledo, Ohio as part of the Lafayette to Toledo Corridor	0.32
20.	California, Nevada, Arizona	For improvements on I-15 and I-40 in California, Nevada and Arizona ($10,500,000 of which shall be expended on the Nevada portion of the corridor, including the I-15/U.S. 95 interchange)	59.2
21.	Louisiana	To improve the North-South Corridor from Louisiana border to Shreveport, Louisiana	29.6
22.	Missouri, Iowa, Minnesota	For improvements for Avenue of the Saints from St. Paul, Minnesota to St. Louis, Missouri	118.0
24.	Various States	I-66 Transamerica Highway Feasibility study	1.0
25.	Kentucky, Tennessee, Virginia	To improve Cumberland Gap Tunnel and for various associated improvements as part of U.S. 25E Corridor, except that the allocation percentages under section 1105(g)(2) of this section shall not apply to this project after fiscal year 1992	72.4
26.	Indiana, Kentucky, Tennessee	To improve the Bloomington, Indiana, to Newberry, Indiana, segment of the Indianapolis, Indiana, to Memphis, Tennessee, high priority corridor	23.7
27.	Washington	For improvements on the Washington State portion of the U.S. 395 corridor from the U.S.-Canadian border to Reno, Nevada	54.5
28.	Virginia	Construction of a bypass of Danville, Virginia, on Route 29 Corridor	17.0
29.	Arkansas	Highway 412 from Harrison to Mt. Home	20.0
30.	New York	Improvements on Route 219 between Springville to Ellicottville in New York State	9.5

(g) PROVISIONS RELATING TO HIGH PRIORITY SEGMENTS.—

(1) Detailed plans.—Each State in which a priority segment identified under subsection (f) is located may prepare a detailed plan for completion of construction of such segment and for financing such construction.

(2) Allocation percentages.—8 percent of the amount allocated by subsection (f) for each high priority segment authorized by subsection (f) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(3) Federal share.—The Federal share payable on account of any project under subsection (f) shall be 80 percent of the cost thereof.

(4) Delegation to states.—Subject to the provisions of title 23, United States Code, the Secretary may delegate responsibility for construction of a project or projects under subsection (f) to the State in which such project or projects are located upon request of such State.

(5) Advance construction.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(6) Applicability of title 23.—Funds authorized by subsection (f) and subsection (h) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under subsection (f) shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by subsection (f) shall not be subject to any obligation limitation.

(7) State priority for high priority segments.—Section 105 of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following new subsection:

"(k) Priority for High Priority Segments of Corridors of National Significance.—In selecting projects for inclusion in a program of projects under this section, the State may give priority to high priority segments of corridors identified under section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991. In approving programs of projects under this section, the Secretary may give priority of approval to, and expedite construction of, projects to complete construction of such segments.".

(8) Special Rule.—Amounts allocated by subsection (f) to the State of California for improvements on I-15 and I-40 shall not

be subject to any State or local law relating to apportionment of funds available for the construction or improvement of highways.

(h) Authorization for Feasibility Studies.—There is authorized to be appropriated to the Secretary out of the Highway Trust Fund (other than the Mass Transit Account) $8,000,000 per fiscal year for each of the fiscal years 1992 through 1997 to carry out feasibility and design studies under subsection (e)(2).

(i) Revolving Loan Fund.—

(1) Establishment.—The Secretary may establish a Priority Corridor Revolving Loan Fund.

(2) Advances.—The Secretary shall make available as repayable advances amounts from the Revolving Loan Fund to States for planning and construction of corridors listed in subsection (c). In making such amounts available, the Secretary shall give priority to segments identified in subsection (f).

(3) Repayment of advances.—The amount of an advance to a State in a fiscal year under paragraph (2) may not exceed the amount of a State's estimated apportionments for the National Highway System for the 2 succeeding fiscal years. Advances shall be repaid (A) by reducing the State's National Highway System apportionment in each of the succeeding 3 fiscal years by ⅓ of the amount of the advance, or (B) by direct repayment. Repayments shall be credited to the Priority Corridor Revolving Loan Fund.

(4) Authorization.—There is authorized to be appropriated to the Secretary, out of the Highway Trust Fund (other than the Mass Transit Account), $40,000,000 per fiscal year for each of fiscal years 1993 through 1997 to carry out this subsection.

SEC. 1106. RURAL AND URBAN ACCESS PROJECTS.

(a) Rural access Projects.—

(1) Purpose.—The purpose of this subsection is to provide funds for projects that ensure better rural access and that promote economic development in rural areas.

(2) Authorization of projects.—The Secretary is authorized to carry out rural access projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	City/State	Rural access	Amount in millions
1.	Cadiz, Ohio	Improvements of Short Creek Highway from Cadiz, Ohio to Rayland, Ohio	2.5
2.	Boger City, North Carolina	Construction of 4-lane divided highway along Highway 321 to Boger City, NC to NC 127 South	14.2
3.	Utica, New York	Improvement of the Utica North/South Arterial	9.9
4.	Oneida County, New York	Upgrade a highway to 4 lanes in Oneida County, New York	8.0
5.	Southern, Oklahoma	Widening of U.S. 70	0.24
6.	Southern, Oklahoma	Construction of a bridge and approaches at Pennington Creek, OK	1.0
7.	Johnsonburg, Pennsylvania	Relocation of a 2-lane highway from Center Street to PA Rt. 255 along U.S. 219, Johnsonburg Bypass	14.0

	City/State	Rural access	Amount in millions
8.	Pennsylvania	Construction of truck driving lanes and safety improvements on U.S. 219 between I-80 and the NY State Line	26.0
9.	East St. Louis, Illinois	Feasibility study for 4-lane Access Road to Jefferson Memorial Park	0.24
10.	Illinois	To conduct an Environmental Impact Study & Design Study on a 58-mile stretch of U.S. 67 corridor from Alton, IL to Jacksonville, IL	2.5
11.	Venice, Illinois	For rehabilitation of McKinley Bridge near Venice, IL	5.9
12.	Decatur, Alabama	Project for replacement of Keller Memorial Bridge, Decatur, AL	12.7
13.	Lenoir City, Tennessee	Feasibility Study on Fort Loudon Dam Bridge on U.S. Highway 231 in Lenoir City, TN	0.5
14.	Blount City, Tennessee	Improvement of U.S. Highway #411 in Monroe and Blount Counties, TN	15.7
15.	Missouri	For improvements of Highway 60 in New Madrid, Stoddard, Carter and Butler Counties, MO	21.7
16.	Southern, Missouri	Improvement of Rt. 65 through Greene, Christian and Taney Counties, MO	14.1
17.	Lake Charles, Louisiana	Construction of roads and bridge to provide access to Rose Bluff Industrial Area, Lake Charles, LA	4.1
18.	Louisiana	For improvement and extension of Ambassador Caffery Parkway in Louisiana	14.9
19.	Ohio	Construction of U.S. Rt. 68 Bypass in Clark, Champaign and Logan Counties	15.8
20.	Aliquippa, Pennsylvania	For various 3-R Projects in Aliquippa, PA	12.8
21.	Riverton, Kansas	Construction of a new highway from Riverton, KS to Interstate 44 in Missouri	13.1
22.	North Minnesota	Construction and reconstruction of Forest Highway 11 connecting Aurora-Hoyt Lakes and Silver Bay, MN	9.5
23.	Richfield, Minnesota	77th Street Reconstruction Project, Richfield, MN	11.6
24.	Mississippi	Impovements on Highway 84 in Franklin and Lincoln Counties, MS	9.5
25.	Mississippi	Upgrading of U.S. Highway 98 from County line of Pike and Waltham Counties, MS to Lamar County, MS	0.4
26.	Mississippi	Upgrading Highway 61 from Natchez, MS to Louisiana State line	0.35
27.	Mississippi	Upgrading Highway 84 from Brookhaven, MS to U.S. 49 in Collins, MS	2.1
28.	Chattahouchee, Florida	Construction of Mosquito Creek Bridge	2.4
29.	Florida	To upgrade State Rt. 71 from State Rt. 10 to State Rt. 8	2.9
30.	Florida	To upgrade Florida State Rt. 267 from State Rt. 8 to State Rt. 10	4.7
31.	Illinois	Tollway feasibility study (East St. Louis to Carbondale, IL)	0.32
32.	Mt. Vernon, Illinois	Extension of 34th Street from IL Rt. 15 to County Road 10	0.96
33.	Illinois	Reconstruction of Feather Trail Road from Ullin Road Interchange to Rt. 37, Pulaski County, IL	1.1
34.	Illinois	Resurfacing IL Rt. 1 from Cave-In-Rock to north of Omaha	1.8
35.	Williamson County, Illinois	Upgrading IL Rt. 13 in Williamson County, IL	7.8
36.	Saline County, Illinois	For improvements to Rt. 13 from Williamson-Saline County line to Harrisburg, IL	4.0
37.	Winchester, New Hampshire	Replacement of Winchester Bridge, Winchester, NH	0.8
38.	Hanover, New Hampshire	Ledyard Bridge reconstruction	7.8
39.	Asheville, North Carolina	U.S. 19-23 improvement project, Asheville, NC	11.1
40.	Niles, Ohio	Belmont Street Bridge replacement, Niles, OH	1.2
41.	Struthers, Ohio	Bridge Street Bridge replacement, Struthers, OH	1.2
42.	Niles, Ohio	South Main Street Bridge replacement, Niles, OH	2.5
43.	St. Joseph County, Michigan	U.S. 131, St. Joseph County	0.5
44.	Berrien County, Michigan	U.S. 31 relocation, Berrien County, MI	17.4
45.	Holland, Michigan	U.S. 31 upgrade, Holland, Ottawa County, MI	1.3
46.	North Carolina	I-85 Interchange improvement at State Route 1103 Granville County, NC	1.7
47.	Manchester, New Hampshire	Manchester Airport Road improvements	4.0
48.	New Hampshire	Wetlands mitigation package for New Hampshire Rt. 101/51	10.0
49.	Arkansas	To improve U.S. 65 from Harrison, Arkansas to Missouri Line	38.0
50.	Arkansas	To improve Phoenix Avenue in the vicinity of the Ft. Smith Airport, Ft. Smith, Arkansas	7.9

	City/State	Rural access	Amount in millions
51.	Arkansas	To study bypass alternatives for U.S. 71 in the vicinity of Bella Vista, Arkansas	3.0
52.	Bedford Springs, Pennsylvania	To construct an access road along Old U.S. 220 to the Springs Project and to construct other facilities to facilitate movement of traffic within the site and construction of a parking facility to be associated therewith	19.7
53.	DeValls Bluff, Arkansas	Construction of a replacement bridge across the White River	2.5
54.	Jonesboro, Arkansas	Complete construction of 3 interchanges on the Highway 63 Bypass at Jonesboro	5.7
55.	Brevard County, Florida	Design and engineer improvements for State Rd. 3 between State Rd. 520 and State Rd. 528	0.16
56.	Louisiana	For construction of a new road from an area in the vicinity of I-55 to Alexandria, Louisiana	1.7
57.	Beaumont, Texas	Widen Highway FM-364 from a 2-Lane to a 4-Lane road	10.4
58.	Farmington Hills, Michigan	To widen 12-mile road corridor in the vicinity of Farmington Hills, Michigan	2.5
59.	Laredo, Texas	Expand capacity of 2-lane highway, construct interchanges and connector highway	7.4
60.	Monteuma, Colorado	Upgrade farm to market road serving Ute Indian Reservation	2.9
61.	Lubbock, Texas	Initiate feasibility and route studies and preliminary engineering and design for highway to connect Lubbock with Interstate 20	2.9
62.	Rosenberg, Texas	To purchase right-of-way for Highway 36 Bypass West of Rosenberg, Texas	0.9
63.	Angleton, Texas	For various activities associated with relocation of Highway 288 in vicinity of Angleton, Texas	0.9
64.	Mentor, Ohio	For construction of an interchange on State Rt. 615 at I-90 in Mentor, Ohio	4.7
65.	W. Central, Illinois	For widening of U.S. 34 between Burlington, Iowa and Monmouth, Illinois	1.9
66.	Illinois	To make improvements including construction of a bridge on U.S. 67 in NW Illinois	2.4
67.	Monongahela Valley, Pennsylvania	For construction of southernmost extention of the Monongahela Expressway	14.0
68.	Dauphin County, Pennsylvania	Design, acquire right-of-way and reconstruct 5.1 miles of 4-Lane divided highway from Dauphin Borough to Speeceville, Pennsylvania	12.0
69.	Rutherford County, Tennessee	Replace existing bridge over the west fork of the Stone's River including a 5 foot elevated walkway	0.8
70.	Wayne County, New York	To improve Rt. 104 from Furnace Road to Pound Road in the Wayne County Area of New York	6.4
71.	Chautauqua County, New York	Construct 2 additional expressway lanes from Chautauqua Lake Bridge to Pennsylvania Border	17.0
72.	North Carolina	To reimburse the State of North Carolina for construction and repair of the Bonner Bridge, North Carolina	3.0
73.	North Carolina	Construct interstate link between I-95 and I-40 in vicinity of Wilson and Goldsboro, North Carolina	8.9
74.	Bossier City, Louisiana	To study grade separations along 10 miles of KC Railroad along U.S. 71	0.16
75.	Pennsylvania	Widen 14 mile segment of U.S. 15 from 2 to 4 lanes	13.8
76.	Overland Park, Kansas	I-435 Interchange Project	4.1
77.	Fairmont, West Virginia	Riverside Expressway improvements	5.3
78.	Washington	State Rt. 14 Improvement Projects, Columbia River Gorge, Washington	8.6
79.	Pennsylvania	Pennsylvania Industrial Park access, Washington County, Pennsylvania	6.3
80.	Pennsylvania	Chadville Improvement Project, Southern Fayette County, Pennsylvania	2.4
81.	Pennsylvania	U.S. Rt. 219 Meyersdale Bypass	48.0
82.	Pennsylvania	U.S. Rt. 22 Improvements: Monroeville to Ebansburg	30.3
83.	Pennsylvania	Laurel Valley Expressway, Blairsville, Pennsylvania	5.0
84.	Brownsville, Texas	Brownsville Railroad Relocation Project	6.7
85.	South Carolina	Southern Connector Highway, Greenville County, South Carolina	3.6
86.	Ohio	Rt. 18 Bypass Study, Medina, Ohio	0.4
87.	Ohio	U.S. Rt. 250 Bypass Study, Norwalk, Ohio	0.4
88.	Mankato, Minnesota	Mankato South Rt. Improvements, Mankato, Minnesota	10.0

City/State	Rural access	Amount in millions
89. Kentucky	*U.S. 119 Upgrading, Pike County, Kentucky*	*7.6*
90. Michigan	*U.S. Rt. 127 Upgrading, Jackson County, Michigan*	*0.8*
91. Eden Prairie & Cologne, Minnesota	*U.S. Trunk Highway 212 improvement project, Eden Prairie/Cologne, Minnesota*	*8.7*
92. Ohio	*Rt. 30 extension: East Canton/Minerva, Ohio*	*5.3*
93. New Mexico	*Raton-Clayton Rd., Clayton, New Mexico*	*9.3*
94. New Mexico	*Jicarilla Apache State Road, New Mexico*	*1.5*
95. Arizona	*Turquoise Trail Highway, Navajo County, Arizona*	*5.9*
96. Pennsylvania	*U.S. Rt. 222 Relocation, Lehigh County, Pennsylvania*	*1.5*
97. Pennsylvania	*Pennsylvania Rt. 33 Extension, Northhampton County, Pennsylvania*	*16.8*
98. Kentucky	*Highway 92 Relocation Study, South Central Kentucky*	*0.1*
99. Kentucky	*U.S. 27 Improvements, Jessamine County, Kentucky*	*9.2*
100. North Carolina	*U-2519/X-2 Highways, Cumberland, North Carolina*	*15.9*
101. Missouri	*Adams Dairy Parkway Project, Blue Springs, Missouri*	*1.5*
102. Lawrence, Kansas	*Lawrence Circumferential Roadway, Douglas County, Kansas*	*3.3*
103. Kansas	*Oakland Expressway, Eastern Shawnee, Kansas*	*5.9*
104. Missouri	*Highway 63 improvements, Columbia, Missouri/Iowa border*	*5.9*
105. West Virginia	*Highway Improvements: Mason County/Kanawha, West Virginia*	*19.5*
106. Pennsylvania	*Warren Street Extension/U.S. 222 Reconstruction, Berks County, Pennsylvania*	*6.6*
107. Illinois	*For construction of the Alton Bypass from the vicinity of Alton and Godfrey, Illinois*	*4.4*
108. Iowa	*Construct Mason City Bypass, Gerro Gordo County, Iowa*	*14.8*
109. Prince Edward County, Virginia	*A highway improvement project one mile south of Farmville in Prince Edward County, Virginia, to increase from two lanes to four lanes approximately two miles of Route 460. Such project shall connect the existing four lanes of Route 460 approaching the segment from the east and the west. The Secretary of the Army, acting through the Chief of Engineers, is directed, upon request of officials representing Prince Edward County, Virginia, to allow the immediate filling of the Sandy River Reservoir in accordance with the terms and conditions of the permit, without further amendment or modification in any respect, issued by the Department of the Army relating to the reservoir, except that no contingency in such permit pertaining to water demand or use shall become effective or shall be enforced prior to seven years from date of completion of such highway project*	*4.4*
110. Port Lavaca to Cuero, Texas	*Construct upgraded, improved four-lane divided highway*	*43.9*
111. Parker County, Texas (SH199)	*Upgrade existing highway to four-lane divided highway*	*33.5*
112. Howell County, Missouri	*Improve Highway 63*	*3.6*
113. Louisa, Louisiana	*Louisa Bridge replacement, Louisa, Louisiana*	*9.5*
114. Travis County, Texas	*Highway 620 bridge improvement*	*11.4*
115. Latrobe, Pennsylvania	*Ligonier Street Reconstruction*	*0.8*
116. Carroltown/DuBois, Pennsylvania	*U.S. 219 Improvements*	*4.0*
117. Robinson Township, Pennsylvania	*Design Work in Town Center*	*5.0*
118. West Virginia	*Chelyan Bridge Replacement*	*8.5*

(3) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(4) FEDERAL SHARE.—The Federal share payable on account of any project under this subsection shall be 80 percent of the cost thereof.

(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibil-

ity for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

(b) URBAN ACCESS AND URBAN MOBILITY PROJECTS.—

(1) PURPOSE.—The purpose of this subsection is to provide funds for projects that enhance urban access and urban mobility.

(2) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out urban access and urban mobility projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	City/State	Urban access & mobility	Amount in millions
1.	Santa Ana, California	Bristol Street Project	4.1
2.	Illinois/Missouri	Metro East/St. Louis, Missouri Bridge Feasibility Study	1.0
3.	Beaver/Butler Counties, Pennsylvania	Construction of Crow's Run Expressway from I-79 to PA Rt. 60, Beaver/Butler Counties, PA	3.5
4.	Atlanta, Georgia	Improvement of Martin Luther King Drive	0.8
5.	Chicago, Illinois	Handicapped Accessibility Projects on various Chicago Streets	2.4
6.	Chicago, Illinois	Feasibility study for a road between existing Lake Shore Drive and Indiana Road	0.16
7.	San Jose, California	Improvement of Interchange at Highway 85/Highway 17	35.0
8.	Gilroy, California	For safety improvements on Highway 152 in vicinity of Gilroy, CA	5.9

	City/State	*Urban access & mobility*	*Amount in millions*
9.	*New York, New York*	*Improvements on Miller Highway in New York City, NY*	*15.6*
10.	*District of Columbia*	*Construction of missing segments of Eastern and Southern Avenues (Boundary Street Safety Initiative)*	*6.8*
11.	*Buffalo, New York*	*Scajaquada Expressway Classification study*	*0.24*
12.	*Buffalo, New York*	*NY State Thruway relocation study, Buffalo (Niagara), NY*	*0.24*
13.	*Joliet, Illinois*	*For rehabilitation of Houbolt Road from Jefferson Street to Joliet Jr. College and construction and interchange at Houbolt Road and I-80*	*1.0*
14.	*Chicago, Illinois*	*WPA street improvements bounded on the north by 103rd, the east by Stoney Island, the west by Ashland, and the south by the city limits*	*3.7*
15.	*Burnham, Illinois*	*To improve Dolton Avenue between Torrence Avenue and Indiana State Line, Burnham, IL*	*1.9*
16.	*Calumet Park, Illinois*	*Ashland Avenue Bridge replacement*	*2.1*
17.	*Harvey, Illinois*	*Illinois 1 Interchange improvement from U.S. 6 to I-80*	*2.5*
18.	*Markham, Illinois*	*Sibley Boulevard traffic flow improvement from Dixie Highway*	*3.5*
19.	*Chicago, Illinois*	*Illinois 1 intersection improvement, Harvey, IL (intersection at 155th Street)*	*1.4*
20.	*Youngstown, Ohio*	*Center Street Bridge replacement, Youngstown, OH, including Poland Avenue—Shirley Road connector and ramps at I-680*	*12.2*
21.	*Lake Porter and LaPort Counties, Indiana and Illinois*	*Study linkage roads to connect Lake Shore Drive and surrounding facilities*	*1.0*
22.	*Indiana*	*Acquisition of West Lake Corridor Right-of-Way between Munster, IN and Hammond , IN*	*1.0*
23.	*Portage, Indiana*	*Widen Willow Creek Road to 4 lanes*	*1.5*
24.	*Hobart, Lake Station and New Chicago, Indiana*	*Various improvements to Ridge Road to relieve congestion*	*4.3*
25.	*Passaic County, New Jersey*	*To complete construction of Rt. 21 in Passaic County, New Jersey*	*98.8*
26.	*Northeastern, New Jersey*	*To raise 14 bridges over Molly Ann's Brook Northeastern, New Jersey*	*9.5*
27.	*Chambersburg, Pennsylvania*	*To improve the Wayne Avenue—I-81 Interchange and to widen Wayne Avenue to 5 lanes from Kriner Road to Coldbrook Avenue in the vicinity of Chambersburg, Pennsylvania*	*1.84*
28.	*Newark, New Jersey*	*To construct ramps to provide access to I-78*	*7.2*
29.	*Newark, New Jersey*	*To construct a parking facility as part of a multi-modal transportation facility in the vicinity of United Hospitals Medical Center, Newark, New Jersey*	*4.9*
30.	*Lawrence, Massachusetts*	*Study, design, and construct new road service; road and ramps and widen I-495*	*4.7*
31.	*Baltimore, Maryland*	*To improve various roads as part of project "Project Vision" in Baltimore, Maryland*	*5.0*
32.	*Bellevue, Washington*	*Conduct Phase I design study for I-405 interchange at Northeast 8th Street*	*5.0*
33.	*Springfield, Illinois*	*To extend 11th Street from Stevenson Drive to Toronto Road in the vicinity of Springfield, Illinois*	*8.3*
34.	*Middlesex, New Jersey*	*Route 1 widening in Middlesex County, New Jersey from Raritan River to Rahway River*	*7.4*
35.	*Perth Amboy & Woodbridge Township, New Jersey*	*Study whether additional river crossings may be necessary based on condition of 3 existing crossings*	*2.5*
36.	*Compton, California*	*For a grade separation project at W. Alameda Street and the Mealy St. Corridor*	*6.6*

	City/State	Urban access & mobility	Amount in millions
37.	Parsippany, Troy Hills, New Jersey	Construct interchange and ramp improvements for east and west bound traffic on I-280	3.1
38.	Queens, New York	To rehabilitate 39th Street Bridge over rail tracks at the Sunnside Rail Yard in Queens, New York	10.4
39.	Omaha, Nebraska	For improvements to US Highway 6 (W. Dodge Road) from 86th Street to 118th including the intersection with I-680 in Omaha, Nebraska	5.2
40.	Suffolk County/Long Island, New York	Construct various roadway improvements on 7.1 miles of New York Rt. 112, including, resurfacing, widening, adding turning and parking lanes and improving traffic signals	3.4
41.	San Diego, California	To conduct environmental study on feasibility of constructing 4-lane highway from State Rt. 805 to International border near Otay Mesa	1.0
42.	Sarasota, Florida	To construct a bridge interchange at US 301 and University Parkway in the vicinity of Sarasota, Florida	2.4
43.	Hartford, Connecticut	To rehabilitate Connecticut Rt. 99 South of Hartford, Connecticut	5.0
44.	Hartford, Connecticut	For improved access to the Connecticut River as in I-91 Mitigation Project, Hartford, Connecticut	2.3
45.	Chattanooga, Tennessee	Construct an urban diamond interchange to improve capacity and a connector road	3.1
46.	Commerce, California	To relocate a portion of Atlantic Blvd. in the vicinity of Telegraph Rd. as part of a grade separation project	4.7
47.	Scranton, Pennsylvania	Realign 3,000 feet of N. Scranton Expressway to connect with Mulberry Street	7.2
48.	Long Island, New York	Southern State Parkway Improvement	4.6
49.	New York	Exit 26 Ridge Project Schenectady, New York	5.7
50.	Capital Beltway, Springfield, Virginia	Upgrade interchanges on I-495, including Virginia Mixing Bowl Improvements	7.5
51.	Utah	Expansion of State Rd. 5600 West	3.3
52.	Chicago, Illinois	Right-of-way preservation projects (Eisenhower & Stevenson Connector)	4.8
53.	Chicago, Illinois	Museum of Science & Industry: Various intermodal facilities, Chicago, Illinois	35.0
54.	Chicago, Illinois	Chicago Skyway Bridge, Chicago, Illinois	14.2
55.	Chicago, Illinois	Cermak Road Bridge reconstruction, Chicago, Illinois	9.2
56.	Chicago, Illinois	Roosevelt Rd. and Bridge Improvements, Chicago, Illinois	11.8
56A.	Chicago, Illinois	State Street Mall Improvements, Chicago, Illinois	14.2
57.	Chicago, Illinois	Cicero Avenue Improvements, vicinity of Chicago, Illinois	1.1
58.	Chicago, Illinois	183rd Street Reconstruction, Chicago, Illinois	1.5
59.	Chicago, Illinois	111th Street Reconstruction, Chicago, Illinois	2.5
60.	Chicago, Illinois	111th Street Upgrade: Cicero Avenue to Pulaski Road, Chicago, Illinois	2.5
61.	Chicago, Illinois	111th Street Widening: Central Avenue to Cicero Avenue, Chicago, Illinois	4.7
62.	Muncie, Indiana	State Rd. 67 Widening	10.0
63.	Columbus, Indiana	Columbus Entranceway project, Columbus, Indiana	3.3
64.	New Jersey	Rt. 17/4 Interchange Project, Paramus, New Jersey	5.7
65.	New Jersey	Hackensack Avenue/Kinderkamuck Road Bridges over Rt. 4, Hackensack, New Jersey	5.7
66.	Los Angeles	Grade separation projects (3), Los Angeles County, California	7.1
67.	New York	Preservation of Rail Corridor (North Shore Rail Line), Staten Island	10.7
68.	Maryland	Improvement of U.S. Route 1 in Baltimore County, Maryland	11.8
69.	Camden, New Jersey	Renovation of South Jersey Port Corporation's Beckett Street Terminal	8.3

	City/State	Urban access & mobility	Amount in millions
70.	Washington, D.C.	Design and construction of noise barriers along Southeast/Southwest Freeway and Anacostia Freeway in D.C.	4.7
71.	Anaheim, California	Construction of public HOV facilities to provide public access to I-5 in the vicinity of the Anaheim Regional Transportation Intermodal Complex	14.8
72.	Atlanta, Georgia	Construction of I-20 interchange at Lithonia Industrial Boulevard	11.2
73.	Buffalo, New York	The Southtowns Connector Buffalo, New York	8.5
74.	Tucson, Arizona	Veterans Memorial Interchange/Palo Verde Overpass Bridge Replacement	2.4
75.	Providence, Rhode Island	Memorial Boulevard Pedestrian/Traffic Improvements	5.0
76.	Renton, Washington	Houser Way Relocation Expansion	3.0

(3) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(4) FEDERAL SHARE.—The Federal share payable on account of any project under this subsection shall be 80 percent of the cost thereof.

(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

SEC. 1107. INNOVATIVE PROJECTS.

(a) In General.—*The purpose of this section is to provide assistance for highway projects demonstrating innovative techniques of highway construction and finance. Each State in which 1 of the projects authorized by subsection (b) is located shall select and use, in carrying out such project, innovative techniques in highway construction or finance. Such techniques may include state-of-the-art technology for pavement, safety, or other aspects of highway construction; innovative financing techniques; or accelerated procedures for construction.*

(b) Authorization of Projects.—*The Secretary is authorized to carry out the innovative projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:*

	City/State	Innovative projects	Amount in millions
1.	Cadiz, Ohio	Construction of 4-lane Limited Access Highway from Cadiz, OH to Interstate 70 Interchange at St. Clairsville, OH along U.S. Rt. 250	20.0
2.	Maryland	Construction of Durham Road Bridge #75 in Harford County, MD	0.5
3.	Maryland	Construction of a replacement bridge at Furnace Road Bridge #74, Harford County, MD	0.6
4.	Maryland	Construction of a replacement bridge at South Hampton Road Bridge #47, Harford County, MD	1.0
5.	Maryland	Construction of a replacement bridge at Wheel Road Bridge #9, Harford County, MD	1.0
6.	Maryland	Construction of a replacement bridge at Watervale Bridge #63, Harford, MD	1.1
7.	Baltimore County, Maryland	Replacement of Papermill Road Bridge #123 in Cockeysville Area of Baltimore, MD	5.3
8.	Southern, Oklahoma	Testing of effectiveness of recyclable materials on a resurfacing project on U.S. 70 in Southern, OK	2.1
9.	Tulsa, Oklahoma	Upgrade U.S. 75 to Expressway standards, Tulsa, OK	14.0
10.	Atlanta, Georgia	For various transportation improvements in connection with the 1996 Olympics, including the city of Atlanta advanced traffic management system (IVHS)	58.1
11.	Chicago, Illinois	Computerized infrastructure management systems, Chicago, IL	4.3
12.	Oceanside, California	Construction of A, B, and C segments of State Route 76	14.4
13.	Carlsbad, California	Improvements to the interchange at Palomar Airport Road and Interstate 5	3.4
14.	Danville, Virginia	To replace bridges on Main and Worsham Streets in Danville, VA	10.0
15.	Mokena, Illinois	For construction of Wolf Road to an area between LaPort Road and U.S. Rt. 30 in Mokena, IL	1.4
16.	Frankfort, Illinois	Village of Frankfort Roadway improvement projects	1.3
17.	Plainfield, Illinois	Replacement of E J & E Viaduct over IL Rt. 59 and Dupage River Tributary	1.0
18.	Romeoville, Illinois	Replacement of 135th Street Bridge, Romeoville, IL	5.9
19.	Water Street, Pennsylvania	Construction of a 2 lane bypass around the Borough of Water Street on U.S. 22 of Pennsylvania	8.0
20.	Holidaysburg, Pennsylvania	To relocate U.S. 22 around the Borough of Holidaysburg, Pennsylvania	52.0
21.	Lewistown, Pennsylvania	For safety improvements on the Narrows to eliminate potential problems brought on by rock slides	1.6
22.	Pennsylvania	To relocate U.S. Rt. 22 North of Lewistown, Pennsylvania	58.3
23.	Reedsville, Pennsylvania	For construction of a 4 lane highway between Reedsville and Seven Mountains, Pennsylvania	35.1
24.	Pennsylvania	To relocate section of railroad tracks between Hagerstown, Maryland and Shippensburg, Pennsylvania to eliminate 23 at-grade crossings and to make connection to an existing railroad line	14.4

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(7) Continuing recreational use.—*At the option of each State, moneys made available pursuant to this part may be treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act.*

(8) Return of moneys not expended.—

(A) Except as provided in subparagraph (B), moneys paid to a State that are not expended or dedicated to a specific project within 4 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d).

(B) If approved by the State recreational trail advisory board satisfying the requirements of subsection (c)(2)(A), may be exempted from the requirements of paragraph (4) and expended or committed to projects for purposes otherwise stated in this subsection for a period not to extend beyond 4 years after receipt, after which any remaining moneys not expended or dedicated shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d).

(f) Coordination of Activities.—

(1) Cooperation by federal agencies.—*Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreation trail pursuant to this part is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (e). Nothing in this part diminishes or in any way alters the land management responsibilities, plans and policies established by such agencies pursuant to other applicable laws.*

(2) Cooperation by private persons.—

(A) Written assurances.—*As a condition to making available moneys for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.*

(B) Public access.—*Any use of a State's allocated moneys on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those moneys.*

(g) Definitions.—*For the purposes of this section—*

(1) Eligible state.—*The term "eligible State" means a State that meets the requirements stated in subsection (c).*

(2) Fund.—*The term "Fund" means the National Recreational Trails Trust Fund established by section 9511 of the Internal Revenue Code of 1986.*

(3) Nonhighway recreational fuel.—*The term "nonhighway recreational fuel" has the meaning stated in section 9503(c)(6) of the Internal Revenue Code of 1986.*

(4) Secretary.—*The term "Secretary" means the Secretary of Transportation.*

	City/State	Innovative projects	Amount in millions
25.	Roaring Spring, Pennsylvania	To upgrade to 3 lanes by adding a center turning lane to a section of Pennsylvania 36 from New U.S. 220 to the intersection at Roaring Spring, Pennsylvania	8.8
26.	Altoona, Pennsylvania	To widen and extend Chestnut Avenue from Altoona to Juniata, Pennsylvania	7.12
27.	Bedford County, Pennsylvania	To widen Rt. 30 from the Narrows in Bedford to Mt. Dallas, Pennsylvania	48.0
28.	Brevard County, Florida	Design, acquire right-of-way and construet a widened bridge on State Road 3 over the Barge Canal	6.9
29.	Blacksburg, Montgomery County, Virginia	Construction of 6 mile 4 lane highway to demonstrate intelligent/vehicle highway systems	5.9
30.	Mobile, Alabama	For reconstruction of the West Tunnel Plaza Interchange on I-10 from Virginia Street to Mobile River Tunnel, Mobile, Alabama	15.0
31.	Pennsylvania	To widen U.S. Rt. 202 from King of Prussia to Montgomeryville, Pennsylvania	8.9
32.	Galina, Illinois	To conduct environmental, preliminary engineering and design studies to widen a 47 mile stretch of U.S. 20 to 4 lanes	2.0
33.	Areneck County, Michigan	To improve a 12-mile stretch of U.S. 23 between Rt. 13 and Rt. 65, Michigan	4.7
34.	Brooks, Jim Wells, and Live Oak Counties, Texas	To improve, upgrade and widen U.S. 281 to the Mexican Border	27.6
35.	Alabama	To construct a 4-lane access controlled highway to bypass Montgomery, Alabama and connect I-65 and I-85	11.8
36.	North Dakota	To design computerized system to inventory and manage off system bridge repairs or replacement statewide, begin repair activities	8.9
37.	Los Angeles, California	For preliminary work on a project to enhance the capacity of I-5 in Los Angeles and Orange County from the downtown area to the State Rt. 91 interchange in Buena Park	6.7
38.	Mendon, Illinois	To construct 14.8 miles of Highway 336 from Illinois Rt. 61 near Mendon, Illinois to West Point Road	5.0
39.	Bryden, Washington	Construct 3 miles of new and improved highways connecting Clarkston, Washington with Lewiston, Idaho	3.9
40.	Missouri	To widen I-55 between Rt. M and Rt. 67 in Jefferson County, Missouri	5.1
41.	Jefferson County, Missouri	To upgrade 7.9 miles of Missouri Highway 21 in Jefferson County, Missouri	5.1
42.	St. Louis, Missouri	To construct a 4-Lane outer beltway connecting I-55 and I-44 in St. Louis and Jefferson County, Missouri	7.6
43.	Hillsborough, Florida	Widen and enhance safety and drainage features of I-4 from Tampa to the Hillsborough County Line	24.5
44.	Wichita, Kansas	To construct a 6 lane access controlled highway and interchange at Oliver Street	6.6
45.	Brigham City, Utah	To construct an interchange on I-15 at Forest St. in Brigham City, Utah	3.6
46.	Utah	For the upgrading of U.S. 89 in Davis and Weber Counties, Utah	3.0
47.	Grand Rapids, Michigan	For construction of a bypass around Grand Rapids, Michigan connecting I-96 and I-196	6.9
48.	Suffolk County/Long Island, New York	Avoid erecting costly areas through selective black topping through high noise road segments	2.0
49.	Suffolk County, New York	Evaluate suitability of composting and recycling for use on Federal-aid highway medians and perimeters	0.4
50.	Springfield, South Dakota	Plan, engineer and construct a bridge across the Missouri River to connect South Dakota Rt. 37 to Nebraska Highway 12	4.7
51.	Vermillion, South Dakota	Engineer and construct bridge across the Missouri River in the vicinity of Vermillion, South Dakota	3.6
52.	Pennsylvania	Design, engineer and construct 2 exits off Interstate 81 at Wilkes-Barre and Mountaintop, Pennsylvania	16.7
53.	Genesse, Michigan	Widen and improve pavement in Mundy Township, from Baldwin Rd. to Cook Rd.	0.16
54.	Flint, Michigan	Engineer, design and construct improved and widened 5-lane road	0.5

	City/State	Innovative projects	Amount in millions
55.	Flint, Michigan	Engineer, design and construct 1.02 miles of 5-lane roadway	0.9
56.	Flint, Michigan	Right-of-way acquisition, relocation and construction of Bristol Road	3.1
57.	Salem, Oregon	To construct the Salem Bypass around Salem, Oregon	6.0
58.	Montgomeryville, Pennsylvania	To improve U.S. 202 from Montgomeryville to Doylestown, Pennsylvania	10.8
59.	Amherst/Erie County, New York	Widen 2 miles of Rt. 263 from 2 lanes to 4 lanes and rehabilitate a 4 mile stretch of Rt. 78	7.6
60.	Idaho	To improve the Bryden Canyon Rd. in Lewiston, Idaho	5.3
61.	Mojave, California	Widen and reconstruct bridge to CALTRANS height standards	1.8
62.	Freemont, Iowa	For construction of Iowa highway #2 from Sidney, Iowa to I-29 in Freemont County, Iowa	8.7
63.	Council Bluffs, Iowa	For a variety of improvements to the Valley View Corridor in Council Bluffs, Iowa	1.0
64.	Indiana	Construct extension of Interstate 69 to link Evansville and Indianapolis, Indiana	3.8
65.	Aberdeen, Ohio	U.S. 62 Ohio River Bridge	15.5
66.	Jacksonville, Illinois	U.S. 67 Jacksonville Bypass	15.8
67.	Snohomish, Washington	Snohomish County, Washington HOV Lanes	6.5
68.	Portland/S. Portland, Maine	Portland/S. Portland Bridge	134.5
69.	Iowa	Highway 63 Improvements, Waterloo to New Hampton, Iowa	15.1
70.	Brook Park, Ohio	Aerospace Technology Park Access Rd., Brook Park, Ohio	14.2
71.	California	Rt. 156 Hollister Bypass, San Benito, California	0.9
72.	Monterey, California	Rt. 101, Prunedale, California	4.2
73.	New Jersey	Rt. 21 Viaduct, Newark, New Jersey, City of Newark's Project	14.8
74.	New Jersey	Rt. 21 widening, Newark, New Jersey, City of Newark's Project	13.9
75.	North Carolina	U.S. 64 widening in Chatham and Wake Counties, North Carolina	5.3
76.	Tennessee	I-81/Industrial Park South Interchange, Sullivan County, Tennessee	5.8
77.	Tennessee	Foothills Parkway: Pittman Center to Cosby, Tennessee	11.2
78.	Ohio	Kelly Avenue extension, Akron, Ohio	9.5
79.	Exton, Pennsylvania	Exton Bypass, Exton, Pennsylvania	26.8
80.	Alabama	Black Warrier River Bridge, Tuscaloosa County, Alabama	6.4
81.	Brooklyn Park, Minnesota	Highway 610 crosstown project, Brooklyn Park, Minnesota	36.0
82.	California	I-880/Alvarado-Niles Road Interchange, Union City, California	9.5
83.	Merrysville, Washington	Interstate 5 Interchange improvement: 88th Street, Merrysville, Washington	1.9
84.	Myrtle Beach, South Carolina	Carolina Bays Parkway, Myrtle Beach, South Carolina	5.9
85.	Mississippi	U.S. 90 improvements including 6 lane bridge and approaches, Pascagoula, Mississippi	4.3
86.	Bakersfield, California	Rt. 58 Improvements, Bakersfield, California	4.7
87.	Santa Fe Springs, California	Norwalk Blvd. grade separation, Santa Fe Springs	4.7
88.	Hoquiam, Washington	Gray's Harbor Industrial Corridor Bridge, Hoquiam, Washington	4.7
89.	Traverse City, Michigan	Traverse City Bypass, Traverse City, Michigan	4.5
90.	Nevada	Lamoille Highway widening, Elko County, Nevada	2.4
91.	Reno, Nevada	U.S. 395 Extension, in vicinity of Reno, Nevada	14.8
92.	Carson City, Nevada	Carson City Bypass, Carson City, Nevada	7.6
93.	Columbus, Ohio	I-270 North outerbelt widening, Franklin County, Ohio	10.2
94.	St. Thomas, Virgin Islands	Feasibility study of constructing a second road to the west end of the island	1.7
95.	Illinois	DeQuoin Highway Bridge	2.6
96.	Illinois	Tamarack Street Extension	0.6
97.	Indiana	East Chicago Marina Access Road	8.5
98.	District of Columbia	Hybrid Fuel Cell	3.6
99.	Ohio	Rehabilitation of Bridge on U.S. 224 near State Route 616	1.0
100.	Arkansas	North Belt Freeway Project, Thornton, Arkansas	8.9
101.	Ft. Worth, Texas	I-35 Basswood Interchange, Ft. Worth, Texas	17.8
102.	Illinois	Illinois 17 road replacement, .2 miles west of Splear Road to Illinois 1: 5.3 miles	1.8
103.	Leroy, Illinois	U.S. 150 road replacement, North of Hemlock Street to South of Gilmore Street in Leroy: 1.6 miles	1.0

	City/State	*Innovative projects*	*Amount in millions*
104	*Ford County, Illinois*	*U.S. 24 replacement, 1.1 miles east of Forrest to Ford County Line: 8.0 miles*	*1.8*
105	*Illinois*	*U.S. 24 road replacement: Crescent City to Illinois 1 in Watseka: 6.3 miles*	*2.5*
106	*Emington, Illinois*	*Emington Spur road replacement Illinois 47 to Emington: 2.9 miles Emington, Illinois*	*0.65*
107	*Illinois*	*New Lenox Road Improvement*	*2.5*
108	*Illinois*	*Shorewood Roadway Improvements*	*1.3*
109	*Illinois*	*Bridge painting of various moveable bridges to prevent rusting, Chicago, Illinois*	*2.8*
110	*Huntington County, Pennsylvania*	*Jacobs Timber Bridge over Greater Trough Creek*	*0.35*
111	*Chicago, Illinois*	*Landscaping, resurfacing, repair and replacement of curbs and gutters, bridge cleaning and repair of lights and redesigning and installation of new signs historic 28 mile Boulevard, Chicago, Illinois*	*5.4*
112	*Cadillac, Michigan*	*Improvements to highway U.S. 131, north of Cadillac*	*4.2*
113	*Durham County, North Carolina*	*Accelerated construction of a four-lane divided freeway on Route 147*	*38.3*
114	*Corpus Christi to Angleton, Texas*	*Construct new multi-lane freeway*	*41.7*
115	*Fort Worth, Texas*	*Construction of an overpass and frontage road at the Fort Worth Hillwood/I-35 interchange*	*12.7*
116	*West Sacramento, California*	*Construction of Industrial Boulevard Bridge over Sacramento River Barge Canal in West Sacramento, California*	*8.3*
117	*Baltimore County, Maryland*	*I-695 Improvements in Baltimore County, Maryland*	*23.9*
118	*Hampton Roads, Virginia*	*I-64 Crossing of Hampton Roads*	*5.9*
119	*Calumet City, Illinois*	*Reconstruction of 156th Street and 156th Place from Burkham Avenue to State line*	*1.3*
120	*Frankfort Township, Illinois*	*Improvements of streets in Frankfort Township*	*1.0*
121	*Matteson, Illinois*	*I-57 Bridge Improvements*	*3.6*
122	*Illinois*	*Road Improvement, U.S. 150/Ill. 1 from Belguim to South of Westville*	*3.8*
123	*Illinois*	*Road Improvement, U.S. 45 from Savoy to Tolono*	*5.6*
124	*Alabama*	*Patton Island Bridge Project*	*4.7*
125	*Borough of Paulsboro, New Jersey*	*Construction of a new bridge to improve safety*	*2.7*
126	*Minnesota*	*Completion of Cross-Range Expressway (Trunk Highway 169)*	*13.0*
127	*Hinckley, Minnesota*	*Safety and capacity improvements to Trunk Highway 48 and relocation of County Road 134*	*2.0*
128	*Minnesota*	*Trunk Highway 53, Twig to Trunk Highway 37*	*9.5*
129	*Minnesota*	*Trunk Highway 169, Grand Rapids to High City*	*9.0*
130	*Minnesota*	*Trunk Highway 61, Schroeder to Grand Marais*	*18.0*
131	*Wisconsin*	*Improvements to Highway 41, Oshkosh to Green Bay*	*41.7*
132	*Wisconsin*	*Improvements to Highway 29, Chippewa Falls to State Trunk Hwy 73*	*28.3*
133	*Minnesota*	*Trunk Highway 37 and Hughes Rd*	*0.5*
134	*Pennsylvania*	*Route 120 widening in vicinity of Lock Haven*	*4.0*
135	*Pennsylvania*	*Replace U.S. 15 bridge across Tioga River*	*3.2*
136	*Pennsylvania*	*Wysox Narrows Rd (U.S. 6)*	*3.0*
137	*Chicago, Illinois*	*Improvements on Kennedy Expressway, except that the allocation percentages under this section shall not apply to this project and, in lieu thereof, 1/3 of the funds for such projects shall be available for obligation in each of fiscal years 1992, 1993, and 1994*	*175.0*
138	*South Carolina*	*Southern Connector Highway improvements in Greenville County; Highway 17 Bridge Replacement Projects over Cooper River, Charleston; Carolina Bays Parkway improvements, Myrtle Beach (funds to be equitably divided among these facilities)*	*11.0*
139	*South Carolina*	*Rail Corridor Revitalization in Columbia, South Carolina*	*4.0*
140	*Rhode Island*	*For design and construction of a stormdrain retrofit on I-95 and other highway runoff programs to protect Narragansett Bay*	*13.0*
141	*South Kingstown, Rhode Island*	*For historic renovation and development of an intermodal center at the Kingston Railroad Station*	*2.0*

	City/State	*Innovative projects*	*Amount in millions*
142.	*Lincoln and Cumberland, Rhode Island*	*For historic rehabilitation of the Albion Bridge and Albion Trench Bridge*	*2.0*
143.	*Newport, Rhode Island*	*To develop the marine mode of the intermodal Gateway Transportation Center*	*6.0*
144.	*Bristol, Rhode Island*	*For road improvements in Bristol, Rhode Island*	*2.0*
145.	*Pennsylvania*	*An applied technology demonstration in advanced technology demonstrations in advanced driver information systems, with a special emphasis on display instrumentation and information communications technology, to be carried out in cooperation with the Center for Advanced Design and Communication Arts Technology at the University of the Arts*	*2.0*
146.	*Vermont*	*Construction of a highway from U.S. 7, North of Bennington, Vermont southwest to NY 7 in Hoosick, NY*	*20.0*
147.	*Woonsocket, Rhode Island*	*For construction of Route 99 Extension*	*1.96*
148.	*Woonsocket, Rhode Island*	*For repaving streets in Woonsocket*	*1.40*
149.	*Woonsocket, Rhode Island*	*For improvements to 3 bridges crossing the Blackstone River*	*0.35*
150.	*Cranston, Rhode Island*	*For reconstruction and repaving of Park Avenue, Sockanossett Crossroads, Olney Arnold Road, South Comstock Parkway, Wildflower Drive, Aqueduct Road and Mapleton Street*	*5.7*
151.	*Rhode Island*	*For operating expenses of the Rhode Island Public Transit Authority*	*18.0*
152.	*New Hampshire*	*To study corridor protection for New Hampshire Route 16*	*2.0*
153.	*North Conway, New Hampshire*	*To provide congestion relief on U.S. 302 and New Hampshire Route 16*	*6.3*
154.	*Kansas*	*To widen U.S. 81 7–15 miles Belleville to Concordia*	*7.0*
155.	*Kansas*	*To construct Hutchinson Bypass between U.S. 50 and K-96 Hutchinson, Kansas*	*24.4*
156.	*Wyoming*	*For reconstruction of county roads not on the State Highway System by the Wyoming State Department of Transportation*	*20.0*
157.	*Virginia*	*For the rehabilitation, renovation, reconstruction, resurfacing, safety improvements and modernization on the existing 1,069 mile Interstate system in Virginia to be distributed by the Commonwealth Transportation Board, to the maximum extent possible, on an equitable regional basis*	*63.5*
158.	*Minnesota*	*Hennepin County, Minnesota Bloomington Ferry Bridge/C.S.A.H. 18 Replacement Project Bloomington, MN*	*18.0*
159.	*Minnesota*	*Nicollet County, Minnesota C.S.A.H. 41 for roadway stabilization and rockfall control North Mankato, MN*	*3.0*
160.	*Minnesota*	*St. Cloud, Minnesota T.H. 15 bridge across Mississippi River and Interchange with T.H. 10*	*3.24*
161.	*Minnesota*	*Minnesota Safety Initiative Program ($2 million to demonstrate the safety benefits of retroreflective pavement markings and signs, especially for nighttime and older drivers; $1 million to demonstrate the safety and environmental benefits of elastomer modified asphalt in cold weather climates)*	*3.0*
162.	*New York, New York*	*Hell Gate Viaduct: upgrade, repair & paint*	*55.0*
163.	*New York, New York*	*Ferry Landing, Battery Park: Reconstruction of ferry landing within Battery Park*	*2.0*
164.	*New York, New York*	*Foley Square Plaza: Transportation improvements & construction activities for Foley Square Plaza development*	*5.25*
165.	*New York, NY*	*Franklin Delano Roosevelt Drive: To reconstruct & improve several sections of Franklin Delano Roosevelt Drive*	*10.0*
166.	*Corning, NY*	*Corning Bypass Improvements*	*11.0*
167.	*Nelson County, North Dakota*	*Grading & surfacing: from U.S. Highway 2 at Michigan southerly to ND Highway 15 at McVille; and of FAS 3220 from ND 1 to ND 32*	*8.5*
168.	*Stutsman County, North Dakota*	*Surfacing from I-94 north & east through Spiritwood, then north to ND Highway 9*	*4.0*
169.	*Steele/Griggs County, North Dakota*	*Grading & surfacing of FAS 4612 & FAS 2012 from ND 32 to ND 45*	*2.9*

City/State	Innovative projects	Amount in millions
170. Grand Forks County, North Dakota	Surfacing of FAS 1822 from FAS 1833 to I-29, & FAS 1812 from FAS 1833 to I-29, & FAS 1833 from FAS 1824 to ND 15	2.6
171. Richland County, North Dakota	Grading & surfacing from Wahpeton to the Froedtert Malting Plant	0.6
172. Ward/McHenry County, North Dakota	Grading & surfacing FAS 5158 & FAS 2546 from U.S. 83 to ND 41	4.5
173. Bottineau County, North Dakota	Grading & surfacing from Bottineau to ND Highway 43	2.4
174. McKenzie County, North Dakota	Grading & surfacing of FAS 2750 from U.S. 85 west 12 miles	2.3
175. Wells County, North Dakota	Grading & surfacing of FAS 5215 from FAS 5208 north to the county line, & from U.S. 52, one mile west of Manfred, north to FAS 5208	2.5
176. Traill County, North Dakota	Grading & surfacing of FAS 4916 from ND 200 east to the Red River	2.8
177. Eddy County, North Dakota	Grading & surfacing of: FAS 1404 from U.S. 281 east 10.5 miles & from ND 20 west 5.5 miles; & of FAS 1427 from ND 20 south about 8 miles	2.5
178. Renville/Ward County, North Dakota	Grading & surfacing, starting at FAS 3809 on the Ward County line south 4 miles & then east 2 miles	0.9
179. Morton County, North Dakota	Grading & surfacing of FAS 3020 from ND 49 southeasterly to FAS 3033	3.1
180. Walsh County, North Dakota	Surfacing of FAS 5017 from Lankin south to the Nelson County line & FAS 5022 from Fordville east to ND 18	2.5
181. Dickey County, North Dakota	Grading & surfacing of FAS 1112 from U.S. 281 east to FAS 1127, FAS 1111 from ND 11 south to FAS 1124, & FAS 1137 from ND 11 north to Guelph	4.0
182. Burke County, North Dakota	Grading & surfacing of FAS 0717 from Lignite south to ND 50	4.4
183. Morton County, North Dakota	For a bypass from ND 1806 around the westside of Fort Lincoln State Park	3.2
184. Rolette County, North Dakota	Grading & surfacing from U.S. 281 around the access loop road in the Int'l. Peace Gardens	1.9
185. Oliver County, North Dakota	Grading & surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25, & FAS 3304 from FAS 3331 east to FAS 3339	2.9
186. Williams County, North Dakota	Grading & surfacing at County Rd. 5 from U.S. 2 southerly to ND 1804	2.5
187. Plummer, Idaho	Reconstruct a total of 2.9 miles of SH-5 (FAP-14) beginning at M.P. 0.5 in the City of Plummer in Benewah County to M.P. 1.1, and two additional segments located on Peedee Hill from approximately M.P. 3.6 to M.P. 4.9 and M.P. 5.7 to M.P. 6.7	3.6
188. Lemhi County, Idaho	Reconstruct a 8.3 mile section of U.S. 93 (FAP-35) in Lemhi County at the Idaho/Montana border. 23 U.S.C. 120(a) shall be applicable to the Federal share payable of the cost of such project	25.6
189. St. Maries, Idaho	Rehabilitate existing pavement structure for a total of 14.2 miles of Idaho Forest Highway 50, the St. Joe River Road between St. Maries and the Benewah/Shoshone County Line	3.4
190. Lewiston, Idaho	Construct a new road for a total of 2.4 miles along FAU Route 7344, M.P. 0.0-2.4, in Bryden Canyon, Lewiston	3.9
191. Bear Lake County, Idaho	Reconstruct a 13.0 mile segment of U.S.-89 (FAP-53) between the communities of Montpelier and Geneva	18.5
192. Alabama	Improvements to Anniston Eastern Bypass, in the vicinity of U.S. 431 and Alabama State Hwy. 21 north of Anniston to the Golden Springs interchange on I-20	11.0
193. Corning, New York	Additional funding for Corning Bypass (Route 1), except any excess funds from the $13.4 million in total funding for this project shall be available for construction of two additional expressway lanes from Chautauqua Lake Bridge to Pennsylvania border on Route 17	2.4
194. Billings, Montana	Construction of the Shilo I-90 Interchange	11.0
195. Missoula, Montana	Construction of the Missoula Airport I-90 Interchange	7.0

	City/State	*Innovative projects*	*Amount in millions*
196.	*Orlando, Florida*	*Land & right-of-way acquisition & guideway construction for magnetic levitation projection*	*97.5*
197.	*Toledo, Ohio*	*Design & initial construction of a new I-280 Maumee River crossing to replace the Craig Memorial Bridge*	*37.0*
198.	*New London-Groton/Bridgeport/New Haven, Connecticut*	*Rehabilitate or replace: The Gold Star Bridge over the Thames River I-95 between New London & Groton; the Bridge over the Yellow Mill Channel (Bridgeport); & the Tomlinson Bridge on Rte. 1 over the Quinnipiac River (New Haven)*	*62.0*
199.	*Raleigh/Rocky Mount/Elizabeth City, North Carolina*	*Design & Construction of interstate standard highway from Rocky Mount, NC to Elizabeth City, NC, & for the upgrading of I-64 from Raleigh, NC to Rocky Mount, NC, & Rte. 17 from Elizabeth City to Norfolk. A substantial portion of the funding should be used for magnetic levitation projection to Elizabeth segment*	*30.0*
200.	*Binghamton, New York*	*A study of the feasibility of rehabilitation of the South Washington Street Bridge in Binghamton, NY, to identify plans & specifications for repair if feasible.*	*0.5*
201.	*District of Columbia*	*Advanced composite bridge deck demonstration at Catholic University*	*0.2*
202.	*Georgia*	*For any highway improvement projects eligible for funding under title 23, United States Code*	*27.0*
203.	*Hawaii*	*For any highway improvement projects eligible for funding under title 23, United States Code*	*6.0*
204.	*Oklahoma*	*For any highway improvement projects eligible for funding under title 23, United States Code*	*59.0*

(c) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) REPORTS.—Not later than 1 year after completion of a project under this section, the State in which such project is located shall submit to the Secretary a report on the innovative techniques used

in carrying out such project and on the results obtained through the use of such techniques.

(h) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 1108. PRIORITY INTERMODAL PROJECTS.

(a) Purpose.—The purpose of this section is to provide for the construction of innovative intermodal transportation projects.

(b) Authorization of Priority Projects.—The Secretary is authorized to carry out the priority intermodal transportation projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	City/State	Intermodal projects	Amount in millions
1.	Long Beach, California	Interchange at Terminal Island Freeway and Ocean Boulevard	11.8
2.	Wilmington/Los Angeles, California	Widening of Anaheim Street Viaduct	11.8
3.	Wilmington/Los Angeles, California	Grade Separation Project of Pacific Coast Highway near Alameda Suite	11.8
4.	Compton City/Los Angeles County, California	Widening of Alameda Street and grade separation between Rt. 91 and Del Amo Boulevard	11.8
5.	Pennsylvania	Upgrading U.S. Highway 30 from Ohio Border to Pittsburgh International Airport	3.2
6.	Philadelphia, Pennsylvania	Reconstruction of the Old Delaware Avenue Service Road	2.4
7.	Ardmore, Oklahoma	Study of upgraded State Route 53 off U.S. 35 leading to improved Ardmore Airport	2.5
8.	Detroit, Michigan	To relocate Van Dyke Street and construct a road depression under the runway at McNichols Road at the Detroit City Airport ($1,000,000 of the Federal funds shall be for the relocation of Van Dyke Street)	4.3
9.	E. Haven/Wallingford, Connecticut	Improvement of highway and transit projects in East Haven/Wallingford, Connecticut ($8.8 million for East Haven Route 80, $2.4 million for Wallingford I-91, and $0.7 million for Wallingford Oakdale)	10.1
10.	St. Louis, Missouri	Rehabilitation of Eads Bridge, St. Louis, Missouri	8.9
11.	Atlanta, Georgia	Study of 5-Points Intermodal Terminal-Atlanta, Georgia	2.4
12.	Buffalo, New York	Construction of Buffalo River/Gateway Tunnel Project	20.2
13.	Northern California	Purchase right-of-way and develop a transportation corridor in existing rail right-of-way from Larkspur to Korbel, and Novato to Lombard	15.1
14.	Portland, Oregon	To widen 2.7 miles of U.S. 26 from the Zoo interchange to the Sylvan Interchange to accommodate highway lanes and light rail alignment	14.2

	City/State	Intermodal projects	Amount in millions
15.	Los Angeles, California	For construction of a multi-modal transit parkway that includes both highway and transit improvements on Santa Monica Blvd. from the San Diego Freeway to Hollywood Freeway, Los Angeles, California	8.9
16.	Jacksonville, Florida	Construct new I-295 Interchange and arterial access road to link Jacksonville's seaport, airport terminals and the interstate	7.1
17.	Las Vegas, Nevada	Conduct environmental studies and preliminary engineering for the western and northern portions of the project linking McCarran International Airport with I-15	3.8
18.	Ontario, California	To complete construction of access roads to Ontario International Airport, Ontario, California	4.7
19.	Allegheny County, Pennsylvania	For an expansion of the existing Martin Luther King, Jr. Busway in the vicinity of Allegheny County, Pennsylvania to serve the Greater Pittsburgh International Airport and adjoining communities	21.7
20.	Pierce County, Washington	Conduct feasibility study and analyze expanding Tacoma Narrows Bridge and other transportation alternatives between State Rd. 16 and I-5	0.7
21.	San Jose, California	Upgrade Rt. 87 from 4 to 6 lanes including 2 HOV Lanes, a new freeway interchange and local circulation system for San Jose International Airport	14.8
22.	American Samoa	Rehabilitate 8 miles of Tau Road from Falessao to Fatuita American Samoa	1.1
23.	Manu'a Island, American Samoa	Rehabilitate and otherwise improve 8 miles of roadway from Ofu to Olosfaga and Slie	1.2
24.	Spokane, Washington	Conduct feasibility study of future transportation needs of Southeastern, Washington	0.8
25.	Detroit, Michigan	To provide for construction of an access road to Detroit Metropolitan Airport including access on the southern end of the airport in order to provide a link to I-275	33.8
26.	Pittsburgh, Pennsylvania	For design and construction of an exclusive busway linking Pittsburgh and the Pittsburgh Airport	9.8
27.	St. Louis, Missouri	To construct a multi-modal transportation facility in St. Louis, Missouri	5.9
28.	Orange & Rockland, New York	To construct park and ride facilities and establish innovative traffic management system measures to promote efficient transportation usage	4.7
29.	Philadelphia, Pennsylvania	To improve mobility for a variety of traffic flow projects in the vicinity of the Pennsylvania Convention Center, Philadelphia, Pennsylvania	9.5
30.	Oxnard, California	To extend Rice Rd., widen Hueneme Rd. and construct Rt. 1/Rice Rd. interchange in order to improve access to Port Hueneme, Oxnard, California	8.9
31.	Los Angeles, California	To improve ground access from Sepulveda Blvd. to Los Angeles, California	8.95
32.	Mt. Vernon, New York	To construct an intermodal facility at the Mt. Vernon Rail Station, Mt. Vernon, New York	7.1
33.	Orange County, New York	I-87/I-84 Stuart Airport Interchange Project	15.7
34.	Mississippi	I-20 Interchange at Pirate	3.4
35.	Jackson, Mississippi	Jackson Airport Connectors	3.1
36.	Palmdale, California	Avenue P8 Improvements	3.6
37.	Lafayette, Indiana	Lafayette Railroad Relocation Project	24.3
38.	Provo, Utah	South Access Rd. to Provo Municipal Airport	1.0
39.	Pennsylvania	Eastside Connector Project/Port of Erie Access, Erie County, Pennsylvania	7.5
40.	Minneapolis, Minnesota	Intermodal Urban connection project, Minneapolis, Minnesota	19.9
41.	Kansas City, Missouri	Bruce Watkins Roadway Improvements	1.4

City/State	Intermodal projects	Amount in millions
42. Missouri	Smith Riverfront Expressway, Jackson/Kansas City, Missouri	12.7
43. Portland, Oregon	Columbia Slough Intermodal Expansion Bridge, Portland, Oregon	2.1
44. Ft. Worth, Texas	Ft. Worth Intermodal Center	13.4
45. Gary, Indiana	Extension of U.S. Highway 12/20 to Lake Michigan	2.2
46. Carson/Los Angeles Counties, California	Grade Separation Project at Sepulveda Boulevard and Alameda Street	9.5
47. Williamson, Travis, Caldwell, and Guadalupe, Texas	Feasibility studies (including the effect of closing Bergstrom AFB on traffic corridor), Route studies, preliminary engineering, and right-of-way acquisition for Alternate Route to relieve I-H35 traffic congestion	5.2
48. Augusta, Georgia	Railroad relocation demonstration project, overpass at 15th Street and Greene Street	5.9
49. Louisiana	Saint Bernard Intermodal Facility Engineering, Design, and Construction	10.2
50. Illinois	Interstate 255 Interchange	3.4
51. Long Beach, California	Long Beach Airport Access	8.5

(c) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

(h) HIGHWAY AND MASS TRANSIT PROJECTS.—Each project authorized by this section or by any other section of this Act is a highway or an urban mass transportation project.

SEC. 1109. INFRASTRUCTURE AWARENESS PROGRAM.

(a) IN GENERAL.—For the purpose of creating an awareness by the public and State and local governments of the state of the Nation's infrastructure and to encourage and stimulate efforts by the public and such governments to undertake studies and projects to improve the infrastructure, the Secretary is authorized to fund the production of a documentary in cooperation with a not-for-profit national public television station.

(b) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000 for fiscal years beginning after September 30, 1991, out of the Highway Trust Fund (other than the Mass Transit Account), which shall remain available until expended. All of the provisions of chapter 1 of title 23, United States Code, shall apply to the funds provided under this section. This section shall not be subject to any obligation limitation.

PART B—NATIONAL RECREATIONAL TRAILS FUND ACT

SEC. 1301. SHORT TITLE.

This part may be cited as the "Symms National Recreational Trails Act of 1991".

SEC. 1302. NATIONAL RECREATIONAL TRAILS FUNDING PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, using amounts available in the Fund, shall administer a program allocating moneys to the States for the purposes of providing and maintaining recreational trails.

(b) STATEMENT OF INTENT.—Moneys made available under this part are to be used on trails and trail-related projects which have been planned and developed under the otherwise existing laws, policies and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a Statewide Comprehensive Outdoor Recreation Plan required by the Land and Water Conservation Fund Act.

(c) STATE ELIGIBILITY.—

(1) TRANSITIONAL PROVISION.—Until the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive moneys under this Act only if such State's application proposes to use the moneys as provided in subsection (e).

(2) PERMANENT PROVISION.—On and after the date that is three years after the date of the enactment of this Act, a State shall be eligible to receive moneys under this part only if—

(A) a recreational trail advisory board on which both motorized and nonmotorized recreational trail users are represented exists within the State;

(B) in the case of a State that imposes a tax on nonhighway recreational fuel, the State by law reserves a reasonable estimation of the revenues from that tax for use in providing and maintaining recreational trails;

(C) the Governor of the State has designated the State official or officials who will be responsible for administering moneys received under this Act; and

(D) the State's application proposes to use moneys received under this part as provided in subsection (e).

(d) ALLOCATION OF MONEYS IN THE FUND.—

(1) ADMINISTRATIVE COSTS.—No more than 3 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary for—

(A) approving applications of States for moneys under this part;

(B) paying expenses of the National Recreational Trails Advisory Committee;

(C) conducting national surveys of nonhighway recreational fuel consumption by State, for use in making determinations and estimations pursuant to this part; and

(D) if any such funds remain unexpended, research on methods to accommodate multiple trail uses and increase the compatibility of those uses, information dissemination, technical assistance, and preparation of a national trail plan as required by the National Trails System Act (16 U.S.C. 1241 et al).

(2) ALLOCATION TO STATES.—

(A) AMOUNT.—Amounts in the Fund remaining after payment of the administrative costs described in paragraph (1), shall be allocated and paid to the States annually in the following proportions:

(i) EQUAL AMOUNTS.—50 percent of such amounts shall be allocated equally among eligible States.

(ii) AMOUNTS PROPORTIONATE TO NONHIGHWAY RECREATIONAL FUEL USE.—50 percent of such amounts shall be allocated among eligible States in proportion to the amount of nonhighway recreational fuel use during the preceding year in each such State, respectively.

(B) USE OF DATA.—In determining amounts of nonhighway recreational fuel use for the purpose of subparagraph (A)(ii), the Secretary may consider data on off-highway vehicle registrations in each State.

(3) LIMITATION ON OBLIGATIONS.—The provisions of paragraphs (1) and (2) notwithstanding, the total of all obligations for recreational trails under this section shall not exceed—

(A) $30,000,000 for fiscal year 1992;
(B) $30,000,000 for fiscal year 1993;
(C) $30,000,000 for fiscal year 1994;
(D) $30,000,000 for fiscal year 1995;
(E) $30,000,000 for fiscal year 1996; and
(F) $30,000,000 for fiscal year 1997.

(e) USE OF ALLOCATED MONEYS.—

(1) PERMISSIBLE USES.—A State may use moneys received under this part for—

(A) in an amount not exceeding 7 percent of the amount of moneys received by the State, administrative costs of the State;

(B) in an amount not exceeding 5 percent of the amount of moneys received by the State, operation of environmental protection and safety education programs relating to the use of recreational trails;

(C) development of urban trail linkages near homes and workplaces;

(D) maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

(E) restoration of areas damaged by usage of recreational trails and back country terrain;

(F) development of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

(G) provision of features which facilitate the access and use of trails by persons with disabilities;

(H) acquisition of easements for trails, or for trail corridors identified in a State trail plan;

(I) acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

(J) construction of new trails on State, county, municipal, or private lands, where a recreational need for such construction is shown; and

(K) only as otherwise permissible, and where necessary and required by a State Comprehensive Outdoor Recreation plan, construction of new trails crossing Federal lands, where such construction is approved by the administering agency of the State, and the Federal agency or agencies charged with management of all impacted lands, such approval to be contingent upon compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(2) USE NOT PERMITTED.—A State may not use moneys received under this part for—

(A) condemnation of any kind of interest in property;

(B)(i) construction of any recreational trail on National Forest System lands for motorized uses unless such lands:

(I) have been allocated for uses other than wilderness by an approved Forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and

(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; or

(ii) construction of any recreational trail on Bureau of Land Management lands for motorized uses unless such lands:

(I) have been allocated for uses other than wilderness by an approved Bureau of Land Management resource

management plan or have been released to uses other than wilderness by an Act of Congress, and

(II) such construction is otherwise consistent with the management direction in such approved management plans; or

(C) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred.

(3) GRANTS.—

(A) IN GENERAL.—A State may provide moneys received under this part to make grants to private individuals, organizations, city and county governments, and other government entities as approved by the State after considering guidance from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A), for uses consistent with this section.

(B) COMPLIANCE.—A State that issues such grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

(4) ASSURED ACCESS TO FUNDS.—Except as provided under paragraphs (6) and (8)(B), not less than 30 percent of the moneys received annually by a State under this part shall be reserved for uses relating to motorized recreation, and not less than 30 percent of those moneys shall be reserved for uses relating to non-motorized recreation.

(5) DIVERSIFIED TRAIL USE.—

(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend moneys received under this part in a manner that gives preference to project proposals which—

(i) provide for the greatest number of compatible recreational purposes including, but not limited to, those described under the definition of "recreational trail" in subsection (g)(5); or

(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective until such time as a State has allocated not less than 40 percent of moneys received under this part in the aforementioned manner.

(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).

(6) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 per centum of all such fuel use in the United States, shall be exempted from the requirements of paragraph (4) of this subsection upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

(5) Recreational trail.—The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, aquatic or water activity and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a "National Recreation Trail" designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

(6) Motorized recreation.—The term "motorized recreation" may not include motorized conveyances used by persons with disabilities, such as self-propelled wheelchairs, at the discretion of each State.

SEC. 1303. NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE.

(a) Establishment.—There is established the National Recreational Trails Advisory Committee.

(b) Members.—There shall be 11 members of the advisory committee, consisting of—

(1) 8 members appointed by the Secretary from nominations submitted by recreational trail user organizations, one each representing the following recreational trail uses:

- *(A) hiking,*
- *(B) cross-country skiing,*
- *(C) off-highway motorcycling,*
- *(D) snowmobiling,*
- *(E) horseback riding,*
- *(F) all-terrain vehicle riding,*
- *(G) bicycling, and*
- *(H) four-wheel driving;*

(2) an appropriate official of government with a background in science or natural resources management, including any official of State or local government, designated by the Secretary;

(3) 1 member appointed by the Secretary from nominations submitted by water trail user organizations; and

(4) 1 member appointed by the Secretary from nominations submitted by hunting and fishing enthusiast organizations.

(c) Chairman.—The Chair of the advisory committee shall be the government official referenced in subsection (b)(2), who shall serve as a non-voting member.

(d) Support for Committee Action.—Any action, recommendation, or policy of the advisory committee must be supported by at least five of the members appointed under subsection (b)(1).

(e) Terms.—Members of the advisory committee appointed by the Secretary shall be appointed for terms of three years, except that the members filling five of the eleven positions shall be initially appointed for terms of two years, with subsequent appointments to those positions extending for terms of three years.

(f) Duties.—The advisory committee shall meet at least twice annually to—

(1) review utilization of allocated moneys by States;

(2) establish and review criteria for trail-side and trail-head facilities that qualify for funding under this part; and

(3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this part.

(g) Annual Report.*—The advisory committee shall present to the Secretary an annual report on its activities.*

(h) Reimbursement for Expenses.*—Nongovernmental members of the advisory committee shall serve without pay, but, to the extent funds are available pursuant to section 1302(d)(1)(B), shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.*

(i) Report To Congress.*—Not later than 4 years after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives, a study which summarizes the annual reports of the National Recreational Trails Advisory Committee, describes the allocation and utilization of moneys under this part, and contains recommendations for changes in Federal policy to advance the purposes of this part.*

TITLE II—HIGHWAY SAFETY

PART A—HIGHWAY SAFETY GRANT PROGRAMS

SEC. 2001. SHORT TITLE.

This part may be cited as the "Highway Safety Act of 1991".

SEC. 2002. HIGHWAY SAFETY PROGRAMS.

(a) Uniform Guidelines.*—Section 402(a) of title 23, United States Code, is amended by inserting after the third sentence the following: "In addition, such uniform guidelines shall include programs (1) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits, (2) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and to increase public awareness of the benefit of motor vehicles equipped with airbags, (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance, (4) to reduce deaths and injuries resulting from accidents involving motor vehicles and motorcycles, (5) to reduce injuries and deaths resulting from accidents involving school buses, and (6) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures. If the Secretary does not designate as priority programs those programs described in the preceding sentence, the Secretary shall submit to Congress a report describing the reasons for not prioritizing such programs. The Secretary shall establish a highway safety program for the collection and reporting of data on traffic-related deaths and injuries by the States. Under such program, the States shall collect and report such data as the Secretary may require. The purposes of the program are to ensure national uniform data on such deaths and injuries and to allow the Secretary to make determinations for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legis-*

lation necessary to implement such programs. The program shall include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts. The Secretary shall establish minimum reporting criteria for the program. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents.".

(b) Administrative Requirements and Use of Technology for Traffic Enforcement.—Section 402(b) of such title is amended by adding at the end the following new paragraphs:

"(3) Administrative requirements.—The Secretary may not approve a State highway safety program under this section which does not—

"(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

"(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the minimum standards established by the Secretary under this section;

"(C) except as provided in paragraph (5), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B); and

"(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

"(4) Waiver.—The Secretary may waive the requirement of paragraph (3)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

"(5) Use of technology for traffic enforcement.—The Secretary may encourage States to use technologically advanced traffic enforcement devices (including the use of automatic speed detection devices such as photo-radar) by law enforcement officers.".

(c) Conforming Amendment.—Section 402(d) of such title is amended by striking "Federal-aid primary" and inserting "National Highway System".

SEC. 2003. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

(a) General Authority; Drugs, and Driver Behavior.—Section 403 of title 23, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Authority of the Secretary.—

"(1) In general.—The Secretary is authorized to use funds appropriated to carry out this section to engage in research on all phases of highway safety and traffic conditions.

"(2) Additional authority.—In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for—

"(A) training or education of highway safety personnel,

"(B) research fellowships in highway safety,

"(C) development of improved accident investigation procedures,

"(D) emergency service plans,

"(E) demonstration projects, and

"(F) related research and development activities which the Secretary deems will promote the purposes of this section.

"(3) Safety defined.—As used in this section, the term 'safety' includes highway safety and highway safety-related research and development, including research and development relating to highway and driver characteristics, crash investigations, communications, emergency medical care, and transportation of the injured.

"(b) Drugs and Driver Behavior.—In addition to the research authorized by subsection (a), the Secretary, in consultation with other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles.

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver crash involvement to highway safety.".

(b) Collaborative Research and Development.—Section 403 of such title is amended by striking subsection (f) and inserting the following new subsection:

"(f) Collaborative Research and Development.—

"(1) In general.—For the purpose of encouraging innovative solutions to highway safety problems, stimulating voluntary improvements in highway safety, and stimulating the marketing of new highway safety-related technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, colleges, and universities and corporations, partnerships, sole proprietorships,

and trade associations that are incorporated or established under the laws of any State or the United States. This collaborative research may include crash data collection and analysis; driver and pedestrian behavior; and demonstrations of technology.

"(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in entering into such agreements, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this subsection.

"(3) PROJECT SELECTION.—In selecting projects to be conducted under this subsection, the Secretary shall establish a procedure to consider the views of experts and the public concerning the project areas.

"(4) APPLICABILITY OF STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.—The research, development, or utilization of any technology pursuant to an agreement under the provisions of this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980.".

(c) CONFORMING AMENDMENT.—Section 403(c) of such title is amended by striking "subsection (b)" and inserting "subsections (a) and (b)".

SEC. 2004. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

"§ 410. Alcohol-impaired driving countermeasures

"(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol or a controlled substance. Such grants may only be used by recipient States to implement and enforce such programs.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991.

"(c) BASIC GRANT ELIGIBILITY.—A State is eligible for a basic grant under this section in a fiscal year only if such State provides for 4 or more of the following:

"(1) Establishes an expedited driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

"(A) when a law enforcement officer has probable cause under State law to believe a person has committed an alcohol-related traffic offense and such person is determined, on the basis of a chemical test, to have been under the influence of alcohol while operating the motor vehicle or refuses to submit to such a test as proposed by the officer, the officer shall serve such person with a written notice of suspension or revocation of the driver's license of such person and take possession of such driver's license;

"(B) the notice of suspension or revocation referred to in subparagraph (A) shall provide information on the administrative procedures under which the State may suspend or revoke in accordance with the objectives of this section a driver's license of a person for operating a motor vehicle while under the influence of alcohol and shall specify any rights of the operator under such procedures;

"(C) the State shall provide, in the administrative procedures referred to in subparagraph (B), for due process of law, including the right to an administrative review of a driver's license suspension or revocation within the time period specified in subparagraph (F);

"(D) after serving notice and taking possession of a driver's license in accordance with subparagraph (A), the law enforcement officer immediately shall report to the State entity responsible for administering drivers' licenses all information relevant to the action taken in accordance with this clause;

"(E) in the case of a person who, in any 5-year period beginning after the date of enactment of this section, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by the law enforcement officer, the State entity responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

"(i) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

"(ii) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

"(F) the suspension and revocation referred to under subparagraph (D) shall take effect not later than 30 days after the day on which the person first received notice of the suspension or revocation in accordance with subparagraph (B).

"(2)(A) For each of the first three fiscal years in which a grant is received, any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated; and

"(B) for each of the last two fiscal years in which a grant is received any person with a blood alcohol concentration of 0.08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

"(3) A statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether or not the operators of such motor vehicles are driving while under the influence of alcohol.

"(4) A self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(5) An effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system may include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

"(d) AMOUNT OF BASIC GRANTS.—The amount of a basic grant to be made in a fiscal year under this section to a State eligible to receive such grant shall be 65 percent of the amount of funds apportioned to such State in such fiscal year under this section.

"(e) SUPPLEMENTAL GRANTS.—

"(1) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

"(2) OPEN CONTAINER LAWS.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

"(A) as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

"(B) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

"(3) SUSPENSION OF REGISTRATION AND RETURN OF LICENSE PLATES.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides for the suspension of the registration of, and the return to such State of the license plates for an individual who—

"(A) has been convicted on more than 1 occasion of an alcohol-related traffic offense within any 5-year period beginning after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991; or

"(B) has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense.

A State may provide limited exceptions to such suspension of registration or return of license plates on an individual basis to avoid undue hardship to any individual (including any family member of the convicted individual and any co-owner of the motor vehicle) who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result in unrestricted reinstatement of the registration of the motor vehicle, unrestricted return of the license plates of the motor vehicle, or unrestricted return of the motor vehicle.

"(4) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in an accident resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

"(5) DRUGGED DRIVING PREVENTION.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and—

"(A) provides for laws concerning drugged driving under which—

"(i) a person shall not drive or be in actual physical control of a motor vehicle while under the influence of alcohol, a controlled substance, a combination of controlled substances, or any combination of alcohol and controlled substances;

"(ii) any person who operates a motor vehicle upon the highways of the State shall be deemed to have given consent to a test or tests of his or her blood, breath, or urine for the purpose of determining the blood alcohol concentration or the presence of controlled substances in his or her body; and

"(iii) the driver's license of a person shall be suspended promptly, for a period of not less than 90 days in the case of a first offender and not less than 1 year in the case of any repeat offender, when a law enforcement officer has probable cause under State law to believe such person has committed a traffic offense relating to controlled substances use, and such person (I) is determined, on the basis of 1 or more chemical tests, to

have been under the influence of controlled substances while operating a motor vehicle, or (II) refuses to submit to such a test as proposed by the officer;

"(B) has in effect a law which provides that—

"(i) any person convicted of a first violation of driving under the influence of controlled substances or alcohol, or both, shall receive—

"(I) a mandatory license suspension for a period of not less than 90 days; and

"(II) either an assignment of 100 hours of community service or a minimum sentence of imprisonment for 48 consecutive hours;

"(ii) any person convicted of a second violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a conviction for the same offense shall receive a mandatory minimum sentence of imprisonment for 10 days and license revocation for not less than 1 year;

"(iii) any person convicted of a third or subsequent violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a prior conviction for the same offense shall—

"(I) receive a mandatory minimum sentence of imprisonment for 120 days; and

"(II) have his or her license revoked for not less than 3 years; and

"(iv) any person convicted of driving with a suspended or revoked license or in violation of a restriction imposed as a result of a conviction for driving under the influence of controlled substances or alcohol, or both, shall receive a mandatory sentence of imprisonment for at least 30 days, and shall upon release from imprisonment receive an additional period of license suspension or revocation of not less than the period of suspension or revocation remaining in effect at the time of commission of the offense of driving with a suspended or revoked license;

"(C) provides for an effective system, as determined by the Secretary, for—

"(i) the detection of driving under the influence of controlled substances;

"(ii) the administration of a chemical test or tests to any driver who a law enforcement officer has probable cause under State law to believe has committed a traffic offense relating to controlled substances use; and

"(iii) in instances where such probable cause exists, the prosecution of (I) those persons who are determined, on the basis of 1 or more chemical tests, to have been operating a motor vehicle while under the influence of controlled substances and (II) those persons who refuse to submit to such a test as proposed by a law enforcement officer; and

"(D) has in effect 2 of the following programs:

"(i) An effective educational program, as determined by the Secretary, for the prevention of driving under the influence of controlled substances.

"(ii) An effective program, as determined by the Secretary, for training law enforcement officers to detect driving under the influence of controlled substances.

"(iii) An effective program, as determined by the Secretary, for the rehabilitation and treatment of those convicted of driving under the influence of controlled substances.

"(6) Blood alcohol concentration level percentage.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and requires that any person with a blood alcohol concentration of .08 percent or greater when driving a motor vehicle shalll be deemed to be driving while intoxicated in each of the first three fiscal years in which a basic grant is received.

grant is reveived.

"(7) Video equipment for detection of drunk and drugged drivers.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol or a controlled substance and in effectively prosecuting those persons, and to train personnel in the use of that equipment.

"(f) Administrative Expenses.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States.

"(g) Apportionment of Funds.—

"(1) Formula.—After the deduction under subsection (f), the remainder of the funds authorized to be appropriated to carry out this section shall be apportioned 75 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States.

"(2) Determination of public road mileage.—For the purposes of this subsection, the term 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(3) Minimum percentage.—The annual apportionment under this paragraph to each State shall not be less than ½ of 1 percent of the total apportionment; except that the apportion-

ments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 percent of the total apportionment.

"(4) REAPPORTIONMENT OF NONELIGIBLE STATE FUNDS.—If a State is not eligible for a basic grant or for a supplemental grant under this section in a fiscal year, the amount of funds apportioned to the State in the fiscal year to make such grant shall be reapportioned to the other States eligible to receive such a grant in the fiscal year in accordance with the formula specified in this subsection. The reapportionment shall be made on the first day of the succeeding fiscal year.

"(h) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

"(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(2) CONTROLLED SUBSTANCES.—The term 'controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(3) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning such term has under section 154(b) of this title.

"(4) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' means any bottle, can, or other receptacle—

"(A) which contains any amount of an alcoholic beverage; and

"(B)(i) which is open or has a broken seal, or

"(ii) the contents of which are partially removed.

"(j) FUNDING FOR FISCAL YEARS 1993-1997.—From sums made available to carry out section 402 of this title, the Secretary shall make available $25,000,000 for each of fiscal years 1993 through 1997 to carry out this section.".

(b) STATES ELIGIBLE FOR GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State which, before the date of the enactment of this Act, was eligible to receive a grant under section 410 of title 23, United States Code, as in effect on the day before such date of enactment, may elect to receive in a fiscal year grants under such section 410, as so in effect, in lieu of receiving in such fiscal year grants under such section 410, as amended by this Act.

(c) CONFORMING AMENDMENT.—The analysis for chapter 4 of such title is amended by striking the item relating to section 410 and inserting the following:

"410. Alcohol-impaired driving countermeasures.".

SEC. 2005. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the provisions of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NHTSA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration $126,000,000 for fiscal year 1992 and $171,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(2) NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 by the National Highway Traffic Safety Administration $44,000,000 for each of the fiscal years 1992 through 1997.

(3) ALCOHOL TRAFFIC SAFETY INCENTIVE GRANT PROGRAM.—For carrying out section 410 of such title $25,000,000 for fiscal year 1992.

SEC. 2006. DRUG RECOGNITION EXPERT TRAINING PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the National Highway Traffic Safety Administration, shall establish a regional program for implementation of drug recognition programs and for training law enforcement officers (including enforcement officials under the motor carrier safety assistance program) to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or one or more controlled substances or other drugs.

(b) ADVISORY COMMITTEE.—The Secretary shall establish a citizens advisory committee that shall report to Congress annually on the progress of the implementation of subsection (a). Members of the committee shall include 1 member of each of the following: Mothers Against Drunk Driving; a narcotics control organization; American

Medical Association; American Bar Association; and such other organizations as the Secretary deems appropriate. The committee shall be subject to the provisions of the Advisory Committee Act and shall terminate 2 years after the date of the enactment of this Act.

(c) Authorization of Appropriations.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $4,000,000 for each of fiscal years 1992 through 1997.

(d) Definition.—For purposes of this section, the term "controlled substance" means any controlled substance, as defined under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), whose use the Secretary has determined poses a risk to transportation safety.

SEC. 2007. NATIONAL DRIVER REGISTER ACT AUTHORIZATIONS.

Section 211(b) of the National Driver Register Act of 1982 (23 U.S.C. 401 note) is amended—

(1) by striking "and" the second place it appears; and

(2) by inserting before the period at the end the following: ", and not to exceed $4,000,000 for fiscal year 1992. From sums made available to carry out section 402 of title 23, United States Code, the Secretary shall make available $4,000,000 for each of fiscal years 1993 and 1994 to carry out this section.".

SEC. 2008. EFFECTIVE DATE; APPLICABILITY.

Except as otherwise provided, this title, including the amendments made by this title, shall take effect on the date of the enactment of this Act, shall apply to funds authorized to be appropriated or made available after September 30, 1991, and shall not apply to funds appropriated or made available on or before such date of enactment.

SEC. 2009. OBLIGATION CEILINGS.

(a) In General.—Sums authorized for fiscal year 1992 by sections 2005(1), 2005(3), and 2006(c) of this Act and section 211(b) of the National Driver Register Act of 1982 shall be subject to the obligation limitation established by section 102 of this Act for fiscal year 1992.

(b) Obligation Limitation.—If an obligation limitation is placed on sums authorized to be appropriated to carry out section 402 of title 23, United States Code, for fiscal year 1993 or subsequent fiscal years, any amounts made available out of such funds to carry out section 2004 and 2006 of this Act and section 211(b) of the National Driver Register Act of 1982 shall be reduced proportionally.

PART B—NHTSA AUTHORIZATIONS AND GENERAL PROVISIONS

SEC. 2500. SHORT TITLE.

This part may be cited as the "National Highway Traffic Safety Administration Authorization Act of 1991".

SEC. 2501. AUTHORIZATION OF APPROPRIATIONS.

(a) Traffic and Motor Vehicle Safety Program.—For the National Highway Traffic Safety Administration to carry out the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), there are authorized to be appropriated $68,722,000 for

fiscal year 1992, $71,333,436 for fiscal year 1993, $74,044,106 for fiscal year 1994, and $76,857,782 for fiscal year 1995.

(b) Motor Vehicle Information and Cost Savings Programs.—For the National Highway Traffic Safety Administration to carry out the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.), there are authorized to be appropriated $6,485,000 for fiscal year 1992, $6,731,430 for fiscal year 1993, $6,987,224 for fiscal year 1994, and $7,252,739 for fiscal year 1995.

SEC. 2502. GENERAL PROVISIONS.

(a) Definitions.—As used in this part—

(1) the term "bus" means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons;

(2) the term "multipurpose passenger vehicle" means a motor vehicle with motive power (except a trailer), designed to carry 10 persons or fewer, which is constructed either on a truck chassis or with special features for occasional off-road operation;

(3) the term "passenger car" means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer), designed for carrying 10 persons or fewer;

(4) the term "truck" means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment; and

(5) the term "Secretary" means the Secretary of Transportation.

(b) Procedure.—

(1) In general.—Except as provided in paragraph (2), any action taken under section 2503 shall be taken in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

(2) Specific procedure.—

(A) Initiation.—To initiate an action under section 2503, the Secretary shall, not later than May 31, 1992, publish in the Federal Register an advance notice of proposed rulemaking or a notice of proposed rulemaking, except that if the Secretary is unable to publish such a notice by such date, the Secretary shall by such date publish in the Federal Register a notice that the Secretary will begin such action by a certain date which may not be later than January 31, 1993 and include in such notice the reasons for the delay. A notice of delayed action shall not be considered agency action subject to judicicl review. If the Secretary publishes an advance notice of proposed rulemaking, the Secretary is not required to follow such notice with a notice of proposed rulemaking if the Secretary determines on the basis of such advanced notice and the comments received thereon that the contemplated action should not be taken under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), including the provisions of section 103 of such Act (15 U.S.C. 1392), and if the Secretary publishes the reasons for such determination consistent with chapter 5 of title 5, United States Code.

(B) Completion.—

(i) Period.—Action under paragraphs (1) through (4) of section 2503 which was begun under subparagraph (A) shall be completed within 26 months of the date of publication of an advance notice of proposed rulemaking or 18 months of the date of publication of a notice of proposed rulemaking. The Secretary may extend for any reason the period for completion of a rulemaking initiated by the issuance of a notice of proposed rulemaking for not more than 6 months if the Secretary publishes the reasons for such extension. The extension of such period shall not be considered agency action subject to judicial review.

(ii) Action.—A rulemaking under paragraphs (1) through (4) of section 2503 shall be considered completed when the Secretary promulgates a final rule or when the Secretary decides not to promulgate a rule (which decision may include deferral of the action or reinitiation of the action). The Secretary may not decide against promulgation of a final rule because of lack of time to complete rulemaking. Any such rulemaking actions shall be published in the Federal Register, together with the reasons for such decisions, consistent with chapter 5 of title 5, United States Code, and the National Traffic and Motor Vehicle Safety Act of 1996.

(iii) Special rule.—

(I) Period.—Action under paragraph (5) of section 2503 which was begun under subparagraph (A) shall be completed within 24 months of the date of publication of an advance notice of proposed rulemaking or a notice of proposed rulemaking. If the Secretary determines that there is a need for delay and if the public comment period is closed, the Secretary may extend the date for completion for not more than 6 months and shall publish in the Federal Register a notice stating the reasons for the extension and setting a date certain for completion of the action. The extension of the completion date shall not be considered agency action subject to judicial review.

(II) Action.—A rulemaking under paragraph (5) of section 2503 shall be considered completed when the Secretary promulgates a final rule with standards on improved head injury protection.

(C) Standard.—The Secretary may, as part of any action taken under section 2503, amend any motor vehicle safety standard or establish a new standard under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

SEC. 2503. MATTERS BEFORE THE SECRETARY.

The Secretary shall address the following matters in accordance with section 2502:

(1) Protection against unreasonable risk of rollovers of passenger cars, multipurpose passenger vehicles, and trucks with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less.

(2) Extension of passenger car side impact protection to multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less.

(3) Safety of child booster seats used in passenger cars and other appropriate motor vehicles.

(4) Improved design for safety belts.

(5) Improved head impact protection from interior components of passenger cars (i.e. roof rails, pillars, and front headers).

SEC. 2504. RECALL OF CERTAIN MOTOR VEHICLES.

(a) NOTIFICATION OF DEFECT OR FAILURE TO COMPLY.—Section 153 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413) is amended by adding at the end the following new subsections:

"(d) If the Secretary determines that a notification sent by a manufacturer pursuant to subsection (c) of this section has not resulted in an adequate number of vehicles or items of equipment being returned for remedy, the Secretary may direct the manufacturer to send a second notification in such manner as the Secretary may by regulation prescribe.

"(e)(1) Any lessor who receives a notification required by section 151 or 152 pertaining to any leased motor vehicle shall send a copy of such notice to the lessee in such manner as the Secretary may by regulation prescribe.

"(2) For purposes of this subsection, the term 'leased motor vehicle' means any motor vehicle which is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of the notification.".

(b) LIMITATION ON SALE OR LEASE OF CERTAIN VEHICLES.—Section 154 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1414) is amended by adding at the end the following:

"(d) If notification is required under section 151 or by an order under section 152(b) and has been furnished by the manufacturer to a dealer of motor vehicles with respect to any new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification which fails to comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety, such dealer may sell or lease such motor vehicle or item of replacement equipment only if—

> *"(1) the defect or failure to comply has been remedied in accordance with this section before delivery under such sale or lease; or*
>
> *"(2) in the case of notification required by an order under section 152(b), enforcement of the order has been restrained in an action to which section 155(a) applies or such order has been set aside in such an action.*

Nothing in this subsection shall be construed to prohibit any dealer from offering for sale or lease such vehicle or item of equipment.".

SEC. 2505. STANDARDS OF COMPLIANCE TEST PROGRAM.

Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end the following:

"(j) The Secretary shall establish and periodically review and update on a continuing basis a 5-year plan for testing Federal Motor Vehicle Safety Standards that are capable, in the Secretary's judgment, of being tested. In developing the plan and establishing testing priorities, the Secretary shall take into consideration such factors as the Secretary deems appropriate, consistent with the purposes of this Act and the Secretary's other responsibilities under this Act. The Secretary may at any time adjust such priorities to address matters the Secretary deems of greater priority. The initial plan may be the 5-year plan for compliance testing in effect on the date of enactment of this subsection.".

SEC. 2506. REAR SEATBELTS.

The Secretary shall expend such portion of the funds authorized to be appropriated under the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.), for fiscal year 1993, as the Secretary deems necessary for the purpose of disseminating information to consumers regarding the manner in which passenger cars may be retrofitted with lap and shoulder rear seatbelts.

SEC. 2507. BRAKE PERFORMANCE STANDARDS FOR PASSENGER CARS.

Not later than December 31, 1993, the Secretary, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966, shall publish an advance notice of proposed rulemaking to consider the need for any additional brake performance standards for passenger cars, including antilock brake standards. The Secretary shall complete such rulemaking (in accordance with section 2502(b)(2)(B)(ii)) not later than 36 months from the date of initiation of such advance notice of proposed rulemaking. In order to facilitate and encourage innovation and early application of economical and effective antilock brake systems for all such vehicles, the Secretary shall, as part of the rulemaking, consider any such brake system adopted by a manufacturer.

SEC. 2508. AUTOMATIC CRASH PROTECTION AND SAFETY BELT USE.

(a) AMENDMENT OF STANDARD.—

(1) SPECIFICATIONS.—Notwithstanding any other provision of law or rule, the Secretary shall by September 1, 1993, promulgate, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966 (to the extent such Act is not in conflict with the provisions of this section), an amendment to Federal Motor Vehicle Safety Standard 208 issued under such Act to provide that the automatic occupant crash protection system for the front outboard designated seating positions of each—

(A) new truck, bus, and multipurpose passenger vehicle (other than walk-in van-type trucks and vehicles designed to be exclusively sold to the United States Postal Service) with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less, and

(B) new passenger car.

manufactured on or after the dates specified in the applicable schedule established by subsection (b), shall be an inflatable restraint complying with the occupant protection requirements under section 4.1.2.1 of such Standard. This section supplements and revises, but does not replace, Federal Motor Vehicle Safety Standard 208, including the amendment to such Standard 208 of March 26, 1991 (56 F.R. 12472), extending the requirements for automatic crash protection, together with incentives for more innovative automatic crash protection, to trucks, buses, and multipurpose passenger vehicles.

(2) REQUIREMENT.—The amendment to such Standard 208 shall also require, to be effective as soon as possible after the promulgation of such amendment, that the owner manuals for passenger cars and trucks, buses, and multipurpose passenger vehicles equipped with an inflatable restraint include a statement in an easily understandable format—

(A) that the vehicle is equipped with an inflatable restraint referred to as an "airbag" and a lap and shoulder belt in either or both the front outboard seating positions;

(B) that the airbag is a supplemental restraint;

(C) that it does not substitute for lap and shoulder belts which must also be correctly used by an occupant in such seating position to provide restraint or protection not only from frontal crashes but from other types of crashes or accidents; and

(D) that all occupants, including the driver, should always wear their lap and shoulder belts, where available, or other safety belts, whether or not there is an inflatable restraint.

(3) FINDING.—The Congress finds that it is in the public interest for all States to adopt and enforce mandatory seat belt use laws and for the Federal Government to adopt and enforce mandatory seat belt use rules.

(b) SCHEDULE.—The amendment promulgated under subsection (a) shall establish the following schedule:

(1) NEW PASSENGER CARS.—The amendment shall take effect for 95 percent of each manufacturer's annual production of passenger cars manufactured on and after September 1, 1996, and before September 1, 1997, and for 100 percent of each manufacturer's production of passenger cars manufactured on and after September 1, 1997. Subject to the provisions of subsection (c), the percentage prescribed for passenger cars manufactured on and after September 1, 1997, shall be met entirely by inflatable restraints (accompanied by lap and shoulder belts) for both front outboard seating positions.

(2) NEW TRUCKS, BUSES, AND MULTIPURPOSE PASSENGER VEHICLES.—The amendment shall take effect for 80 percent of each manufacturer's annual production of trucks, buses, and multipurpose passenger vehicles described in subsection (a)(1)(A) and manufactured on and after September 1, 1997, and before September 1, 1998, and for 100 percent of each manufacturer's production of such trucks, buses, and multipurpose passenger vehicles manufactured on and after September 1, 1998. Subject to the provisions of subsection (c), the percentage prescribed for

such trucks, buses, and multipurpose passenger vehicles manufactured on and after September 1, 1998, shall be met entirely by inflatable restraints (accompanied by lap and shoulder belts) for both front outboard seating positions. The incentives or credits available under Standard 208 (as amended by this section) prior to September 1, 1998, shall not be available to the manufacturers to comply with the 100 percent requirement of this paragraph on and after such date.

(c) TEMPORARY EXEMPTION FROM REQUIREMENTS.—Upon application by a manufacturer, in such manner and containing such information as the Secretary shall prescribe in the amendment under this section to such Standard 208, the Secretary may at any time, under such terms and conditions and to such extent as the Secretary deems appropriate, temporarily exempt or renew the exemption of a motor vehicle from the requirements of subsection (a) or (b), or both, if the Secretary finds that there has been a disruption in the supply of any inflatable restraint component, or a disruption in the use and installation by the manufacturer of such component due to unavoidable events not under the control of the manufacturer, that will prevent a manufacturer from meeting its anticipated production volume of vehicles with such restraints. Each application for such exemption must be filed by the manufacturer affected, and must specify the models, lines, and types of vehicles actually affected, although the Secretary may consolidate applications of a similar nature of 1 or more manufacturers. Any exemption or renewal shall be conditioned upon the manufacturer's commitment to recall the exempted vehicles for installation of omitted inflatable restraints within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements. Notice of each application shall be published in the Federal Register and notice of each decision to grant or deny a temporary exemption, and the reasons for granting or denying it, shall be published in the Federal Register. The Secretary shall require labeling for each exempted motor vehicle which can only be removed after recall and installation of the required inflatable restraint. If a vehicle is delivered without an inflatable restraint, the Secretary shall require that written notification of the exemption be delivered to the dealer and first purchasers for purposes other than resale of such exempted motor vehicle in such a manner, and containing such information, as the Secretary deems appropriate.

(d) CONSTRUCTION.—Nothing in this section shall be construed by the Secretary or any other person, including any court, as altering or affecting any other provision of law administered by the Secretary and applicable to such passenger cars or trucks, buses, or multipurpose passenger vehicles or as establishing any precedent regarding the development and promulgation of any Federal Motor Vehicle Safety Standard. Nothing in this section or in the amendments made under this section to Federal Motor Vehicle Safety Standard 208 shall be construed by any person or court as indicating an intention by Congress to affect, change, or modify in any way the liability, if any, of a motor vehicle manufacturer under applicable law relative to vehicles with or without inflatable restraints.

(e) Report.—The Secretary shall biannually report, beginning October 1, 1992 and continuing to October 1, 2000, on the actual effectiveness of an occupant restraint system defined as the percentage reduction in fatalities or injuries of restrained occupants as compared to unrestrained occupants for the combination of inflated restraints and lap and shoulder belts, for inflated restraints alone, and for lap and shoulder belts alone. The Secretary, in consultation with the Secretary of Labor and the Secretary of Defense, shall also provide data and analysis on lap and shoulder belt use, nationally and in each State, by Federal, State, and local law enforcement officers, by military personnel, by Federal and State employees other than law enforcement officers, and by the public.

(f) Airbags for Cars Acquired for Federal Use.—The Secretary, in cooperation with the Administrator of General Services and the heads of other appropriate Federal agencies and consistent with applicable provisions of Federal procurement law and available appropriations, shall establish a program requiring that all passenger cars acquired after September 30, 1994, for use by the Federal Government be equipped, to the maximum extent practicable, with driver-side inflatable restraints and that all passenger cars acquired after September 30, 1996, for use by the Federal Government be equipped, to the maximum extent practicable, with inflatable restraints for both the driver and front seat outboard seating positions.

SEC. 2509. HEAD INJURY IMPACT STUDY.

The Secretary, in the case of any head injury protection matters not subject to section 2503(5) for which the Secretary is on the date of enactment of this Act examining the need for rulemaking and is conducting research, shall provide a report to Congress by the end of fiscal year 1993 identifying those matters and their status. The report shall include a statement of any actions planned toward initiating such rulemaking no later than fiscal year 1994 or 1995 through use of either an advance notice of proposed rulemaking or a notice of proposed rulemaking and completing such rulemaking as soon as possible thereafter.

TITLE III—FEDERAL TRANSIT ACT AMENDMENTS OF 1991

SEC. 3001. SHORT TITLE.

This title may be cited as the "Federal Transit Act Amendments of 1991".

SEC. 3002. AMENDMENTS TO URBAN MASS TRANSPORTATION ACT OF 1964.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1601–1621).

SEC. 3003. AMENDMENT TO SHORT TITLE OF URBAN MASS TRANSPORTATION ACT OF 1964.

(a) IN GENERAL.—The Act is amended by striking "That this Act may be cited as the 'Urban Mass Transportation Act of 1964'." and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Federal Transit Act'.".

(b) OTHER REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Urban Mass Transportation Act of 1964 shall be deemed to be a reference to the "Federal Transit Act".

SEC. 3004. FEDERAL TRANSIT ADMINISTRATION.

(a) REDESIGNATION OF UMTA.—The Urban Mass Transportation Administration of the Department of Transportation shall be known and designated as the "Federal Transit Administration".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Urban Mass Transportation Administration shall be deemed to be a reference to the "Federal Transit Administration".

(c) AMENDMENTS TO TITLE 49.—

(1) AMENDMENT TO TEXT.—Section 107(a) of title 49, United States Code, is amended by striking "Urban Mass Transportation Administration" and inserting "Federal Transit Administration".

(2) AMENDMENT TO SECTION HEADING.—The heading for section 107 of such title is amended to read as follows:

"§107. Federal Transit Administration".

(3) AMENDMENT TO CHAPTER ANALYSIS.—The analysis for chapter 1 of such title is amended by striking the item relating to section 107 and inserting the following:

"107. Federal Transit Administration.".

(d) AMENDMENTS TO TITLE 5.—Title 5, United States Code, is amended—

(1) in section 5314 by striking "Urban Mass Transportation Administrator" and inserting "Federal Transit Administrator"; and

(2) in section 5316 by striking "Deputy Administrator, Urban Mass Transportation Administration" and inserting "Deputy Administrator, Federal Transit Administration".

SEC. 3005. FINDINGS AND PURPOSES.

(a) FINDINGS.—Section 2(a) is amended—

(1) in paragraph (2) by striking "; and" and inserting a semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) that significant transit improvements are necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the country.".

(b) PURPOSES.—Section 2(b) is amended—

(1) in paragraph (2) by striking "; and" and inserting a semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) to provide financial assistance to State and local governments and their instrumentalities to help implement national goals relating to mobility for elderly persons, persons with disabilities, and economically disadvantaged persons.".

SEC. 3006. MAJOR CAPITAL INVESTMENT PROGRAM.

(a) ELDERLY PERSONS AND PERSONS WITH DISABILITIES.—Section 3(a)(1) is amended by striking subparagraph (E) and inserting the following new subparagraph:

"(E) transit projects which are planned, designed, and carried out to meet the special needs of elderly persons and persons with disabilities; and".

(b) CORRIDOR DEVELOPMENT.—Section 3(a)(1) is further amended by adding at the end the following new subparagraph:

"(F) the development of corridors to support fixed guideway systems, including protection of rights-of-way through acquisition, construction of dedicated bus and high occupancy vehicle lanes, construction of park and ride lots, and any other nonvehicular capital improvements that the Secretary may determine would result in increased transit usage in the corridor.".

(c) GRANDFATHERED LETTERS OF INTENT.—This Act shall not be construed to affect the validity of any existing letter of intent, full funding grant agreement, or letter of commitment issued under section 3(a)(4) of the Federal Transit Act before the date of the enactment of the Federal Transit Act Amendments of 1991.

(d) ALLOCATIONS.—Section 3(k) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (3), of the amounts available for grants and loans under this section for fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—

"(A) 40 percent shall be available for fixed guideway modernization;

"(B) 40 percent shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems; and

"(C) 20 percent shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities."; and

(2) by adding at the end the following new paragraph:

"(3) AREAS OTHER THAN URBANIZED AREAS.—At least 5.5 percent of the amounts available for grants and loans under subsection (k)(1)(C) for fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 shall be available for areas other than urbanized areas.".

(e) BOND INTEREST ON ADVANCE CONSTRUCTION.—Section 3(l)(2)(B) is amended by striking "the excess of—" and all that follows through the period and inserting "the most favorable interest terms reasonably available for the project at the time of borrowing. The

applicant shall certify, in a form satisfactory to the Secretary, that the applicant has shown due diligence in seeking the most favorable financial terms.".

(f) Federal Share.—Section 4(a) is amended—

(1) by striking "75 per centum" and inserting "80 percent"; and

(2) by inserting before the period at the end of the second sentence the following: ", unless the recipient of the grant requests a lower Federal grant percentage".

(g) Local Share for Certain Planned Extensions of Fixed Guideway Systems.—Section 4(a) is amended by adding at the end the following new sentence: "The remainder of the net project cost of a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant demonstrates to the satisfaction of the Secretary that—

"(1) such purchase was made solely with non-Federal funds; and

"(2) such purchase was made for use on the extension.".

(h) Fiscal Capacity Considerations.—Section 4 is amended—

(1) by striking subsections (b), (c), (d), (e), (f), and (g) and redesignating subsections (h) and (i) as subsections (b) and (c), respectively; and

(2) by adding at the end the following new subsection:

"(d) Fiscal Capacity Considerations.—If the Secretary gives priority consideration to the funding of projects which include more than the non-Federal share required by subsection (a), the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.".

SEC. 3007. CAPITAL GRANTS; TECHNICAL AMENDMENT TO PROVIDE FOR EARLY SYSTEMS WORK CONTRACTS AND FULL FUNDING GRANT AGREEMENTS.

Section 3(a)(4) is amended—

(1) by inserting "(A)" after "(4)";

(2) in the fifth sentence by inserting "not less than" after "complete";

(3) by adding after the sixth sentence the following:

"(B) The Secretary is authorized to enter into a full funding grant agreement with an applicant, which agreement shall—

"(i) establish the terms and conditions of Federal financial participation in a project under this section;

"(ii) establish the maximum amounts of Federal financial assistance for such project;

"(iii) cover the period of time to completion of the project, including any period that may extend beyond the period of any authorization; and

"(iv) facilitate timely and efficient management of such project in accordance with Federal law.

"(C) An agreement under subparagraph (B) shall obligate an amount of available budget authority specified in law and may include a commitment, contingent upon the future availability of budget authority, to obligate an additional amount or additional amounts from future available budget authority specified in law. The agreement shall specify that the contingent commitment does not constitute an obligation of the United States. The future avail-

ability of budget authority referred to in the first sentence of this subparagraph shall be amounts to be specified in law in advance for commitments entered into under subparagraph (B). Any interest and other financing costs of efficiently carrying out the project or a portion thereof within a reasonable period of time shall be considered as a cost of carrying out the project under a full funding grant agreement; except that eligible costs shall not be greater than the costs of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a form satisfactory to the Secretary, that the applicant has shown due diligence in seeking the most favorable financing terms. The total of amounts stipulated in a full funding grant agreement for a fixed guideway project shall be sufficient to complete not less than an operable segment.

"(D) The Secretary is authorized to enter into an early systems work agreement with an applicant if a record of decision pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary determines that there is reason to believe—

"(i) a full funding grant agreement will be entered into for the project; and

"(ii) the terms of the early systems work agreement will promote ultimate completion of the project more rapidly and at less cost.

The early systems work agreement shall obligate an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of project implementation, including land acquisition, timely procurement of system elements for which specifications are determined, and other activities that the Secretary determines to be appropriate to facilitate efficient, long-term project management. An early systems work agreement shall cover such period of time as the Secretary deems appropriate, which period may extend beyond the period of current authorization. The interest and other financing costs of carrying out the early systems work agreement efficiently and within a reasonable period of time shall be considered as a cost of carrying out the agreement; except that eligible costs shall not be greater than the costs of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a form satisfactory to the Secretary, that the applicant has shown due diligence in seeking the most favorable financing terms. If an applicant fails to implement the project for reasons within the applicant's control, the applicant shall repay all Federal payments made under the early systems work agreement plus such reasonable interest and penalty charges as the Secretary may establish in the agreement.";

(4) by inserting "(E)" before "The total estimated" and aligning subparagraph (E) with subparagraph (D);

(5) in the sentence that begins "The total estimated"—

(A) by inserting ", and contingent commitments to incur obligations," after "Federal obligations";

(B) by inserting ", early systems work agreements, and full funding grant agreements," after "all outstanding letters of intent,"; and

(C) by inserting "or 50 percent of the uncommitted cash balance remaining in the Mass Transit Account of the Highway Trust Fund, including amounts received from taxes and interest earned in excess of amounts that have been previously obligated, whichever is greater" after "section 3 of this Act"; and

(6) in the sentence that begins "The total amount covered", by inserting "and contingent commitments included in early systems work agreements and full funding grant agreements" after "by new letters issued,".

SEC. 3008. FIXED GUIDEWAY MODERNIZATION.

Section 3 is amended by striking subsection (h) and inserting the following new subsection:

"(h) Fixed Guideway Modernization Apportionments.—The Secretary shall apportion the sums made available for fixed guideway modernization under this section for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 as follows:

"(1) The first $455,000,000 made available shall be apportioned for expenditure in the following urbanized areas according to the following percentages:

"(A) Baltimore, 1.84 percent.

"(B) Boston, 8.56 percent.

"(C) Chicago/Northwestern Indiana, 17.18 percent.

"(D) Cleveland, 2.09 percent.

"(E) New York, 35.57 percent.

"(F) Northeastern New Jersey, 9.04 percent.

"(G) Philadelphia/Southern New Jersey, 12.41 percent.

"(H) San Francisco, 7.21 percent.

"(I) Southwestern Connecticut, 6.10 percent.

"(2) The next $42,700,000 made available shall be apportioned for expenditure in the following urbanized areas according to the following percentages:

"(A) New York, 33.2341 percent.

"(B) Northeastern New Jersey, 22.1842 percent.

"(C) Philadelphia and Southern New Jersey, 5.7594 percent.

"(D) San Francisco, 2.7730 percent.

"(E) Pittsburgh, 31.9964 percent.

"(F) New Orleans, 4.0529 percent.

"(3) The next $70,000,000 made available shall be apportioned for expenditure—

"(A) 50 percent in the urbanized areas listed in paragraphs (1) and (2) according to the apportionment formula contained in section 9(b)(2); and

"(B) 50 percent in other urbanized areas eligible for assistance under section 9(b)(2) of this Act which contain a fixed guideway system placed in revenue service not less than 7 years prior to the fiscal year in which funds are made available and in other urbanized areas which before the first day of the fiscal year demonstrate to the satisfaction of the Secretary that the urbanized area has modernization needs which cannot be adequately met with

amounts received under section 9(b)(2) according to the apportionment formula contained in such section.

"(4) Any remaining amounts made available in a fiscal year shall be apportioned for expenditure in each urbanized area eligible for assistance under paragraphs (1), (2), and (3) in accordance with the apportionment formula contained in section 9(b)(2).

"(5) In any fiscal year in which the full amounts authorized under paragraphs (1) and (2) are not made available, the Secretary shall reduce on a pro rata basis the apportionments of all urbanized areas eligible under either paragraph to adjust for the shortfall.

"(6) Notwithstanding any other provision of law, rail modernization funds allocated to the New Jersey Transit Corporation under this paragraph may be spent in any urbanized area in which the New Jersey Transit Corporation operates rail service regardless of the urbanized area which generates the funding.".

SEC. 3009. BUS TESTING.

Section 3 is amended by adding at the end the following new subsection:

"(m) BUS TESTING.—Of the amounts made available for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus related facilities by subsection (k)(1)(C), the Secretary shall make available $1,500,000 in fiscal year 1992, $2,000,000 in fiscal year 1993, the lesser of $2,000,000 or an amount the Secretary determines to be necessary per fiscal year in each of fiscal years 1994, 1995, and 1996, and the lesser of $3,000,000 or an amount the Secretary determines to be necessary in fiscal year 1997. Such amounts shall be available to the Secretary to pay 80 percent of the cost of testing a vehicle at the facility established under section 317 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (49 U.S.C. App. 1608). The Secretary shall make such payments by contract with the operator of the facility. The remaining 20 percent of the cost of testing a vehicle shall be paid to the operator of the facility by the entity having the vehicle tested.".

SEC. 3010. CRITERIA FOR NEW STARTS.

Section 3(i) is amended to read as follows:

"(i) NEW START CRITERIA.—

"(1) DETERMINATIONS.—A grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may not be made under this section unless the Secretary determines that the proposed project—

"(A) is based on the results of an alternatives analysis and preliminary engineering;

"(B) is justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

"(C) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension.

"(2) CONSIDERATIONS.—In making determinations under this subsection, the Secretary—

"(A) shall consider the direct and indirect costs of relevant alternatives;

"(B) shall account for costs related to such factors as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to implement each alternative analyzed; and

"(C) shall identify and consider transit supportive existing land use policies and future patterns, and consider other factors including the degree to which the project increases the mobility of the transit dependent population or promotes economic development, and other factors that the Secretary deems appropriate to carry out the purposes of this Act.

"(3) GUIDELINES.—

"(A) IN GENERAL.—The Secretary shall issue guidelines that set forth the means by which the Secretary shall evaluate results of alternatives analysis, project justification, and degree of local financial commitment for the purposes of paragraph (1).

"(B) PROJECT JUSTIFICATION.—Project justification criteria shall be adjusted to reflect differences in local land costs, construction costs, and operating costs.

"(C) FINANCIAL COMMITMENT.—The degree of local financial commitment shall be considered acceptable only if—

"(i) the proposed project plan provides for the availability of contingency funds that the Secretary determines to be reasonable to cover unanticipated cost overruns;

"(ii) each proposed local source of capital and operating funding is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed transit system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing transit services in order to operate the proposed project.

"(D) STABILITY ASSESSMENT.—In assessing the stability, reliability, and availability of proposed sources of local funding, the Secretary shall consider—

"(i) existing grant commitments;

"(ii) the degree to which funding sources are dedicated to the purposes proposed; and

"(iii) any debt obligations which exist or are proposed by the recipient for the proposed project or other transit purposes.

"(4) PROJECT ADVANCEMENT.—No project shall be advanced from alternatives analysis to preliminary engineering unless the Secretary finds that the proposed project meets the requirements of this section and there is a reasonable chance that the project will continue to meet these requirements at the conclusion of preliminary engineering.

"(5) EXCEPTIONS.—

"(A) IN GENERAL.—A new fixed guideway system or extension shall not be subject to the requirements of this subsection and the simultaneous evaluation of such projects in more than one corridor in a metropolitan area shall not be limited if (i) the project is located within an extreme or severe nonattainment area and is a transportation control measure, as defined by the Clean Air Act, that is required to carry out an approved State Implementation Plan, or (ii) assistance provided under this section accounts for less than $25,000,000 or less than ⅓ of the total cost of the project or an appropriate program of projects as determined by the Secretary.

"(B) EXPEDITED PROCEDURES.—In the case of a project that is (i) located within a nonattainment area that is not an extreme or severe nonattainment area, (ii) a transportation control measure, as defined in the Clean Air Act, and (iii) required to carry out an approved State Implementation Plan, the simultaneous evaluation of projects in more than one corridor in a metropolitan area shall not be limited and the Secretary shall make determinations under this subsection with expedited procedures that will promote timely implementation of the State Implementation Plan.

"(C) EXCLUSION FOR CERTAIN PROJECTS.—That portion of a project (including any commuter rail service project on an existing right-of-way) financed entirely with highway funds made available under the Federal-Aid Highway Act of 1991 shall not be subject to the requirements of this subsection.

"(6) PROJECT IMPLEMENTATION.—A project funded pursuant to this subsection shall be implemented by means of a full funding grant agreement.".

SEC. 3011. ASSURED TIMETABLE FOR PROJECT REVIEW.

(a) IN GENERAL.—Section 3(a) is amended by striking paragraph (6) and inserting the following new paragraphs:

"(6) ASSURED TIMETABLE FOR PROJECTS IN ALTERNATIVES ANALYSIS, PRELIMINARY ENGINEERING, OR FINAL DESIGN STAGES.—

"(A) ALTERNATIVES ANALYSIS STAGE.—For any new fixed guideway project that the Secretary permits to advance into the alternatives analysis stage of project review, the Secretary shall cooperate with the applicant in alternatives analysis and in preparation of a draft environmental impact statement, and shall approve the draft environmental impact statement for circulation not later than 45 days after the date on which such draft is submitted to the Secretary by the applicant.

"(B) PRELIMINARY ENGINEERING STAGE.—Following circulation of the draft environmental impact statement and not later than 30 days after selection by the applicant of a locally preferred alternative, the Secretary shall permit the project to advance to the preliminary engineering phase if the Secretary finds the project is consistent with the criteria set forth in subsection (i).

"(C) FINAL DESIGN STAGE.—The Secretary shall issue a record of decision and permit a project to advance to the final design stage of construction not later than 120 days after the date of completion of the final environmental impact statement for such project.

"(D) FULL FUNDING GRANT AGREEMENT.—The Secretary shall negotiate and enter into a full funding grant agreement for a project not later than 120 days after the date on which such project has entered the final design stage of construction. Such full funding grant agreement shall provide for a Federal share of the cost of construction that is not less than the Federal share estimated in the Secretary's most recent report required under section 3(j) or an update thereof unless otherwise requested by an applicant.

"(7) PERMITTED DELAYS IN PROJECT REVIEW.—

"(A) IN GENERAL.—Advancement of a project under the timetables specified under paragraph (6) shall be delayed only—

"(i) for such period of time as the applicant, solely at the applicant's discretion, may request; or

"(ii) during such period of time as the Secretary finds, after reasonable notice and opportunity for comment, that the applicant has failed, for reasons solely attributable to the applicant, to comply substantially with requirements of this Act with respect to the project.

"(B) EXPLANATION OF DELAY.—Not more than 10 days after imposing any delay under subparagraph (A)(ii), the Secretary shall provide the applicant with a written statement that (i) explains the reasons for such delay, and (ii) describes all steps which the applicant must take to end the period of delay.

"(C) REPORTS.—The Secretary shall report, not less frequently than once every 6 months, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate in any case in which the Secretary—

"(i) fails to meet a deadline established by paragraph (6); or

"(ii) delays the application of a deadline under subparagraph (A)(ii).

Such report shall explain the reasons for the delay and include a plan for achieving timely completion of the Secretary's review of the project.

"(8) TREATMENT OF PROGRAMS OF INTERRELATED PROJECTS.—

"(A) FULL FUNDING GRANT AGREEMENT.—In accordance with the timetables established by paragraph (6) or as otherwise provided by law, the Secretary shall enter into 1 or more full funding grant agreements for each program of interrelated projects described in subparagraph (C). Such full funding grant agreements shall include commitments to advance each of the applicant's program elements (in the

program of interrelated projects) through the appropriate stages of project review in accordance with the timetables established by paragraph (6) or as otherwise provided for a project by law, and to provide Federal funding for each such program element. Such full funding grant agreements may also be amended, if appropriate, to include design and construction of particular program elements. Inclusion of a nonfederally funded program element in a program of interrelated projects shall not be construed as imposing Federal requirements which would not otherwise apply to such program element.

"(B) CONSIDERATIONS.—When reviewing any project in a program of interrelated projects, the Secretary shall consider the local financial commitment, transportation effectiveness, and other assessment factors of all program elements to the extent that such consideration expedites project implementation.

"(C) PROGRAMS OF INTERRELATED PROJECTS.—For the purposes of this paragraph, programs of interrelated projects shall include the following:

"(i) The New Jersey Urban Core Project as defined by the Federal Transit Act Amendments of 1991.

"(ii) The San Francisco Bay Area Rail Extension Program, which consists of not less than the following elements: an extension of the San Francisco Bay Area Rapid Transit District to the San Francisco International Airport (Phase 1a to Colma and Phase 1b to San Francisco Airport), the Santa Clara County Transit District Tasman Corridor Project, and any other program element designated by any modification to Metropolitan Transportation Commission Resolution No. 1876, as well as program elements financed entirely with non-Federal funds, including the BART Warm Springs Extension, Dublin Extension, and West Pittsburg Extension.

"(iii) The Los Angeles Metro Rail Minimum Operable Segment-3 Program, which consists of 7 stations and approximately 11.6 miles of heavy rail subway on the following lines:

"(I) 1 line running west and northwest from the Hollywood/Vine station to the North Hollywood station, with 2 intermediate stations;

"(II) 1 line running west from the Wilshire/Western station to the Pico/San Vicente station, with 1 intermediate station; and

"(III) the East Side Extension, consisting of an initial line of approximately 3 miles in length, with at least 2 stations, beginning at Union Station and running generally east.

"(iv) The Baltimore-Washington Transportation Improvements Program, which consists of the following elements: 3 extensions of the Baltimore Light Rail to Hunt Valley, Penn Station and Baltimore-Washington Airport; MARC extensions to Frederick and Waldorf,

Maryland; and an extension of the Washington Subway system to Largo, Maryland.

"(v) The Tri-County Metropolitan Transportation District of Oregon Westside Light Rail Program, which consists of the following elements: the locally preferred alternative for the Westside Light Rail Project, including system related costs, set forth in Public Law 101–516 and as defined in House Report 101–584; and the Hillsboro extension to the Westside Light Rail Project as set forth in Public Law 101–516.

"(vi) The Queens Local/Express Connector Program which consists of the following elements: the locally preferred alternative for the connection of the 63rd Street tunnel extension to the Queens Boulevard lines; the bell-mouth portion of the connector which would allow for future access by both commuter rail trains and other subway lines to the 63rd Street tunnel extension; planning elements for connecting both upper and lower level to commuter and subway lines in Long Island City; and planning elements for providing a connector for commuter rail service to the East side of Manhattan and subway lines to the proposed Second Avenue subway.

"(vii) The Dallas Area Rapid Transit Authority light rail elements of the New System Plan, which consists of the following elements: the locally preferred alternative for the South Oak Cliff corridor; the South Oak Cliff corridor extension-Camp Wisdom; the West Oak Cliff corridor-Westmoreland; the North Central corridor-Park Lane; the North Central corridor-Richardson, Plano and Garland extensions; the Pleasant Grove corridor-Buckner; and the Carrollton corridor-Farmers Branch and Las Colinas terminal.

"(viii) Such other programs as may be designated in law or by the Secretary."

(b) TRANSITIONAL PROVISION.—*In the case of a project (including programs of interrelated projects) that, as of the date of enactment of this Act, has reached a particular stage of project review under section 3(a)(6) of the Federal Transit Act, the timetables applicable to subsequent stages of project review contained in such section shall take effect on the date of enactment of this Act.*

SEC. 3012. METROPOLITAN PLANNING.

The Act is amended by striking section 8 and inserting the following new section:

"SEC. 8. METROPOLITAN PLANNING.

"(a) GENERAL REQUIREMENTS.—*It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State.*

Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

"(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area of more than 50,000 population by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

"(2) MEMBERSHIP OF CERTAIN MPO'S.—In a metropolitan area designated as a transportation management area, the metropolitan planning organization designated for such area shall include local elected officials, officials of agencies which administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization on June 1, 1991) and appropriate State officials. This paragraph shall only apply to a metropolitan planning organization which is redesignated after the date of the enactment of this section.

"(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on the date of the enactment of this section, of a public agency with multimodal transportation responsibilities to—

"(A) develop plans and programs for adoption by a metropolitan planning organization; and

"(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

"(4) CONTINUING DESIGNATION.—Designations of metropolitan planning organizations, whether made under this section or other provisions of law, shall remain in effect until redesignated under paragraph (5) or revoked by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population or as otherwise provided under State or local procedures.

"(5) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area (i) whose population is more than 5,000,000 but less than 10,000,000, or (ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act. Such redesignation shall be accomplished using procedures established by subparagraph (A).

"(6) TREATMENT OF LARGE URBAN AREAS.—More than 1 metropolitan planning organization may be designated within an urbanized area as defined by the Bureau of the Census only if the Governor determines that the size and complexity of the urbanized area make designation of more than 1 metropolitan planning organization for such area appropriate.

"(c) METROPOLITAN AREA BOUNDARIES.—For the purposes of this section, the boundaries of a metropolitan area shall be determined by agreement between the metropolitan planning organization and the Governor. Each metropolitan area shall cover at least the existing urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period and may encompass the entire Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area, as defined by the Bureau of the Census. For areas designated as nonattainment areas for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan area shall at least include the boundaries of the nonattainment area, except as otherwise provided by agreement between the metropolitan planning organization and the Governor.

"(d) COORDINATION IN MULTI-STATE AREAS.—

"(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary considers appropriate to encourage Governors and metropolitan planning organizations with responsibility for a portion of a multi-State metropolitan area to provide coordinated transportation planning for the entire metropolitan area.

"(2) COMPACTS.—The consent of Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as such activities pertain to interstate areas and localities within such States and to establish such agencies, joint or otherwise, as such States may deem desirable for making such agreements and compacts effective.

"(e) COORDINATION OF MPO's.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and programs required by this section.

"(f) Factors To Be Considered.—In developing transportation plans and programs pursuant to this section, each metropolitan planning organization shall, at a minimum, consider the following:

"(1) Preservation of existing transportation facilities and, where practical, ways to meet transportation needs by using existing transportation facilities more efficiently.

"(2) The consistency of transportation planning with applicable Federal, State, and local energy conservation programs, goals, and objectives.

"(3) The need to relieve congestion and prevent congestion from occurring where it does not yet occur.

"(4) The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with the provisions of all applicable short- and long-term land use and development plans.

"(5) The programming of expenditure on transportation enhancement activities as required in section 133.

"(6) The effects of all transportation projects to be undertaken within the metropolitan area, without regard to whether such projects are publicly funded.

"(7) International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, and military installations.

"(8) The need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.

"(9) The transportation needs identified through use of the management systems required by section 303 of this title.

"(10) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors and identification of those corridors for which action is most needed to prevent destruction or loss.

"(11) Methods to enhance the efficient movement of freight.

"(12) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.

"(13) The overall social, economic, energy, and environmental effects of transportation decisions.

"(14) Methods to expand and enhance transit services and to increase the use of such services.

"(15) Capital investments that would result in increased security in transit systems.

"(g) Development of Long Range Plan.—

"(1) In general.—Each metropolitan planning organization shall prepare, and update periodically, according to a schedule that the Secretary determines to be appropriate, a long range plan for its metropolitan area in accordance with the requirements of this subsection.

"(2) Long range plan.—A long range plan under this section shall be in a form that the Secretary determines to be appropriate and shall, at a minimum:

"(A) Identify transportation facilities (including but not necessarily limited to major roadways, transit, and multimodal and intermodal facilities) that should function as

an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the long range plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

"(B) Include a financial plan that demonstrates how the long-range plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including such techniques as value capture, tolls and congestion pricing.

"(C) Assess capital investment and other measures necessary to—

"(i) ensure the preservation of the existing metropolitan transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit facilities; and

"(ii) make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

"(D) Indicate as appropriate proposed transportation enhancement activities.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act, the metropolitan planning organization shall coordinate the development of a long range plan with the process for development of the transportation control measures of the State Implementation Plan required by the Clean Air Act.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before approving a long range plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the long range plan, in a manner that the Secretary deems appropriate.

"(5) PUBLICATION OF LONG RANGE PLAN.—Each long range plan prepared by a metropolitan planning organization shall be—

"(i) published or otherwise made readily available for public review; and

"(ii) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(h) TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—The metropolitan planning organization designated for a metropolitan area, in cooperation with the State and affected transit operators, shall develop a transportation improvement program for the area for which such organi-

zation is designated. In developing the program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program. The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) PRIORITY OF PROJECTS.—The transportation improvement program shall include the following:

"(A) A priority list of projects and project segments to be carried out within each 3-year period after the initial adoption of the transportation improvement program.

"(B) A financial plan that demonstrates how the transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including value capture, tolls, and congestion pricing.

"(3) SELECTION OF PROJECTS.—Except as otherwise provided in subsection (i)(4), project selection in metropolitan areas for projects involving Federal participation shall be carried out by the State in cooperation with the metropolitan planning organization and shall be in conformance with the transportation improvement program for the area.

"(4) MAJOR CAPITAL INVESTMENTS.—Not later than 6 months after the date of enactment of this section, the Secretary shall initiate a rulemaking proceeding to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under such Act applicable to highway projects. Nothing in this section shall be construed to affect the applicability of such Act to transit or highway projects.

"(5) INCLUDED PROJECTS.—A transportation improvement program for a metropolitan area developed under this subsection shall include projects within the area which are proposed for funding under this title and the Federal Transit Act and which are consistent with the long range plan developed under subsection (g) for the area. The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(6) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) DESIGNATION.—The Secretary shall designate as transportation management areas all urbanized areas over 200,000

population. The Secretary shall designate any additional area as a transportation management area upon the request of the Governor and the metropolitan planning organization designated for such area or the affected local officials. Such additional areas shall include upon such a request the Lake Tahoe Basin as defined by Public Law 96-551.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and transit operators.

"(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and the Federal Transit Act through the use of travel demand reduction and operational management strategies. The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section.

"(4) SELECTION OF PROJECTS.—All projects carried out within the boundaries of a transportation management area with Federal participation pursuant to this title (excluding projects undertaken on the National Highway System and pursuant to the Bridge and Interstate Maintenance programs) or pursuant to the Federal Transit Act shall be selected by the metropolitan planning organization designated for such area in consultation with the State and in conformance with the transportation improvement program for such area and priorities established therein. Projects undertaken within the boundaries of a transportation management area on the National Highway System or pursuant to the Bridge and Interstate Maintenance programs shall be selected by the State in cooperation with the metropolitan planning organization designated for such area and shall be in conformance with the transportation improvement program for such area.

"(5) CERTIFICATION.—The Secretary shall assure that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable provisions of Federal law, and shall so certify at least once every 3 years. The Secretary may make such certification only if (1) a metropolitan planning organization is complying with the requirements of section 134 and other applicable requirements of Federal law, and (2) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor. If after September 30, 1993, a metropolitan planning organization is not certified by the Secretary, the Secretary may withhold, in whole or in part, the apportionment under section 104(b)(3) attributed to the relevant metropolitan area pursuant to section 133(d)(3) and capital funds apportioned under the formula program under section 9 of the Federal Transit Act. If a metropolitan planning organization remains uncertified for more than 2 con-

secutive years after September 30, 1994, 20 percent of the apportionment attributed to that metropolitan area under section 133(d)(3) and capital funds apportioned under the formula program under section 9 of the Federal Transit Act shall be withheld. The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary. The Secretary shall not withhold certification under this section based upon the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 8(o) of the Federal Transit Act.

"(j) Abbreviated Plans and Programs for Certain Areas.—For metropolitan areas not designated as transportation management areas under this section, the Secretary may provide for the development of abbreviated metropolitan transportation plans and programs that the Secretary determines to be appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems, including transportation related air quality problems, in such areas. In no event shall the Secretary provide abbreviated plans or programs for metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act.

"(k) Transfer of Funds.—Funds made available for a transit project under title 23, United States Code, shall be transferred to and administered by the Secretary in accordance with the requirements of this Act. Funds made available for a highway project under this Act shall be transferred to and administered by the Secretary in accordance with the requirements of title 23, United States Code.

"(l) Additional Requirements for Certain Nonattainment Areas.—Notwithstanding any other provisions of this Act or title 23, United States Code, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed in such area for any transit project that will result in a significant increase in carrying capacity for single occupant vehicles unless the project is part of an approved congestion management system.

"(m) Limitation on Statutory Construction.—Nothing in this section shall be construed—

"(1) to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title or the Federal Transit Act; or

"(2) to intervene in the management of a transportation agency.

"(n) Grants.—

"(1) Eligibility.—The Secretary is authorized to contract for and make grants to States and local public bodies and agencies thereof, or enter into agreements with other Federal departments and agencies, for the planning, engineering, design, and evaluation of public transportation projects, and for other technical studies. Activities assisted under this section may include—

"(A) studies relating to management, operations, capital requirements, and economic feasibility;

"(B) evaluation of previously funded projects; and

"(C) other similar or related activities preliminary to and in preparation for the construction, acquisition, or improved operation of facilities and equipment.

"(2) CRITERIA.—A grant, contract, or working agreement under this section shall be made in accordance with criteria established by the Secretary.

"(o) PRIVATE ENTERPRISE.—The plans and programs required by this section shall encourage to the maximum extent feasible the participation of private enterprise. Where facilities and equipment are to be acquired which are already being used in service in the urban areas, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area.

"(p) USE FOR COMPREHENSIVE PLANNING.—

"(1) IN GENERAL.—The Secretary shall ensure, to the extent practicable, that amounts made available under section 21(c)(1) for the purposes of this section are used to support balanced and comprehensive transportation planning that takes into account the relationships among land use and all transportation modes, without regard to the programmatic source of the planning funds.

"(2) FORMULA ALLOCATION TO ALL METROPOLITAN AREAS.—The Secretary shall apportion 80 percent of the amount made available under section 21(c)(1) to States in the ratio that the population in urbanized areas, in each State, bears to the total population in urbanized areas, in all the States as shown by the latest available decennial census, except that no State shall receive less than ½ of 1 percent of the amount apportioned under this paragraph. Such funds shall be allocated to metropolitan planning organizations designated under section 8 by a formula, developed by the State in cooperation with metropolitan planning organizations and approved by the Secretary, that considers population in urbanized areas and provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in section 8 of this Act. The State shall make such funds available promptly to eligible metropolitan planning organizations according to procedures approved by the Secretary.

"(3) SUPPLEMENTAL ALLOCATION.—The Secretary shall apportion 20 percent of the amounts made available under section 21(c)(1) to States to supplement allocations under subparagraph (B) for metropolitan planning organizations. Such funds shall be allocated according to a formula that reflects the additional costs of carrying out planning, programming, and project selection responsibilities under this section in such areas.

"(4) HOLD HARMLESS.—The Secretary shall ensure, to the maximum extent practicable, that no metropolitan planning organization is allocated less than the amount it received by administrative formula under section 8 in fiscal year 1991. To comply with the previous sentence, the Secretary is authorized

to make a pro rata reduction in other amounts made available to carry out section 21(c).

"(5) Federal share payable.—The Federal share payable for activities under this paragraph shall be 80 percent except where the Secretary determines that it is in the Federal interest not to require a State or local match.".

SEC. 3013. BLOCK GRANT PROGRAM.

(a) Allocations.—Section 9(a) is amended—

(1) in paragraph (1), by striking "Of the amount" and all that follows through the period and inserting the following: "Of the amounts made available or appropriated under section 21(g), 9.32 percent shall be available for expenditure under this section in each fiscal year only in urbanized areas with a population of less than 200,000."; and

(2) in paragraph (2), by striking "Of the amount" and all that follows through the period and inserting the following: "Of the amounts made available or appropriated under section 21(g), 90.68 percent shall be available for expenditure under this section in each fiscal year only in urbanized areas with a population of 200,000 or more.".

(b) Energy and Operating Efficiencies.—Section 9(b) is amended by adding at the end the following new paragraph:

"(4) Energy and operating efficiencies.—If a recipient under this section demonstrates to the satisfaction of the Secretary that energy or operating efficiencies would be achieved by actions that reduce revenue vehicle miles but provide the same frequency of revenue service to the same number of riders, the recipient's apportionment under paragraph (2)(A) shall not be reduced as a result of such actions.".

(c) Extension of Safety Authority to Block Grant Program.—Section 9(e)(1) is amended by striking "and 19" and inserting "19, and 22".

(d) Annual Submissions.—Section 9(e)(2) is amended by inserting after the first sentence the following new sentences: "Such certifications and any additional certifications required by law to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of the grant application under this section. The Secretary shall annually publish in conjunction with the publication required under subsection (q) a list of all certifications required under this Act.".

(e) Streamlined Procedures.—Section 9(e) is amended by adding at the end the following new paragraph:

"(6) Streamlined administrative procedures.—The Secretary shall establish streamlined administrative procedures to govern compliance with the certification requirement under paragraph (3)(B) with respect to track and signal equipment used in ongoing operations.".

(f) Transit Security Systems.—Section 9(e)(3) is amended—

(1) in subparagraph (G) by striking "; and" and inserting a semicolon;

(2) in subparagraph (H) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(I)(i) will expend for each fiscal year not less than 1 percent of the funds received by the recipient for each fiscal year under this section for transit security projects; or

"(ii) that such expenditures for such security systems are not necessary.

For the purposes of subparagraph (I), transit security projects may include increasing lighting within or adjacent to transit systems, including bus stops, subway stations, parking lots, and garages; increasing camera surveillance of areas within and adjacent to such systems; providing emergency telephone lines to contact law enforcement or security personnel in areas within or adjacent to such systems; and any other project intended to increase the security and safety of existing or planned transit systems.".

(g) Program of Projects.—Section 9(f) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by inserting after paragraph (4) the following:

"(5) assure that the proposed program of projects provides for the coordination of transit services assisted under this section with transportation services assisted from other Federal sources.".

(h) Discretionary Transfer of Apportionment.—Section 9 is amended—

(1) in subsection (j)(1), by inserting after the first sentence the following: "In a transportation management area designated pursuant to section 8, funds which cannot be used for payment of operating expenses under this section also shall be available for highway projects if—

"(A) such use is approved by the metropolitan planning organization in accordance with section 8 after appropriate notice and opportunity for comment and appeal is provided to affected transit providers; and

"(B) in the determination of the Secretary, such funds are not needed for investments required by the Americans with Disabilities Act of 1990."; and

(2) by adding at the end of subsection (j) the following new paragraph:

"(3) Funds under this section may be available for highway projects under title 23, United States Code, only if funds used for the State or local share of such highway projects are eligible to fund either highway or transit projects.".

(i) Inflation Adjustment for Operating Assistance.—Section 9(k)(2)(B) is amended—

(1) by striking "1988," and inserting "1991,";

(2) by striking "of less than 200,000 population" the first place it appears; and

(3) by inserting after "calendar year" the following: "; except that such increase may not exceed the percentage increase of the funds made available under section 21(g) in the current fiscal year and the funds made available under section 21(g) in the previous fiscal year".

(j) FERRY ROUTES.—Section 9 is amended by adding at the end the following new subsections:

"(r) FERRY SERVICES.—A vessel used in ferryboat operations funded under this section that is part of a State-operated ferry system may occasionally be operated outside of the urbanized area in which service is provided to accommodate periodic maintenance if existing ferry service is not thereby significantly reduced.

"(s) GRANDFATHER OF CERTAIN URBANIZED AREAS.—Any area designated as an urbanized area under the 1980 census which is not so designated under the 1990 census—

"(1) for fiscal year 1992, shall be treated as an urbanized area for purposes of section 12(c)(11) of the Federal Transit Act; and

"(2) for fiscal year 1993, shall be eligible to receive 50 percent of the funds which the area would have received if the area were treated as an urbanized area for purposes of such section 12(c)(11) and an amount equal to 50 percent of the funds which the State in which the area is located would have received if the area were treated as an area other than an urbanized area.".

(k) ADJUSTMENTS OF APPORTIONMENTS.—Section 9 is amended by adding at the end the following new subsection:

"(t) ADJUSTMENTS OF APPORTIONMENTS.—Provided that sufficient funds are available, in each fiscal year beginning after September 30, 1991, the Secretary shall adjust apportionments under this section between the Mass Transit Account of the Highway Trust Fund and the general fund of the Treasury to assure that each recipient receives from the general fund of the Treasury not less than the amount of operating assistance made available each fiscal year under this section that such recipient is eligible to receive.".

SEC. 3014. CONTINUED ASSISTANCE FOR COMMUTER RAIL IN SOUTHERN FLORIDA UNDER SECTION 9 PROGRAM.

Section 329 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (49 U.S.C. 1607a) is amended—

(1) in the first sentence by striking "in which major onsite" and all that follows before the period; and

(2) in the second sentence by striking "provided as" and all that follows before the period.

SEC. 3015. REPEAL OF EXPIRED PROVISION.

Section 9A, relating to Mass Transit Account distribution for fiscal year 1983, is repealed.

SEC. 3016. TRANSIT DEFINITION.

Section 12(c)(7) is amended—

(1) by striking "term" and inserting "terms"; and

(2) by striking "means" and inserting "and 'transit' mean".

SEC. 3017. RULEMAKING.

Section 12(i) is amended by adding at the end the following:

"(3) LIMITATION.—The Secretary shall propose or implement rules governing activities under this Act only in accordance with this section except for routine matters and matters with no significant impact.".

SEC. 3018. TRANSFER OF FACILITIES AND EQUIPMENT.

Section 12 is amended by adding at the end the following new subsection:

"(k) Transfer of Capital Asset.—

"(1) Authorization.—If a recipient of assistance under this Act determines that facilities and equipment and other assets (including land) acquired, in whole or part, with such assistance are no longer needed for the purposes for which they were acquired, the Secretary may authorize the transfer of such assets to any public body to be used for any public purpose with no further obligation to the Federal Government.

"(2) Determinations.—The Secretary may authorize a transfer under paragraph (1) for any public purpose other than transit only if the Secretary first determines—

"(A) that the asset being transferred will remain in public use for not less than 5 years after the date of the transfer;

"(B) that there are no purposes eligible for assistance under this Act for which the asset should be used;

"(C) the overall benefit of allowing the transfer outweighs the Federal Government interest in liquidation and return of the Federal financial interest in the asset, after consideration of fair market value and other factors; and

"(D) that, in any case in which the asset is a facility or land, there is no interest in acquiring the asset for Federal use.

The determination under subparagraph (D) shall be made through an appropriate screening or survey process.

"(3) Documentation.—Determinations required by paragraph (2) shall be made, in writing, and shall include the rationale for such determinations.

"(4) Relation to other provisions.—The provisions of this section shall be in addition to and not in lieu of any other provision of law governing use and disposition of facilities and equipment under an assistance agreement.".

SEC. 3019. SPECIAL PROCUREMENT.

Section 12 is further amended by adding at the end the following:

"(l) Special Procurement Initiatives.—

"(1) Turnkey system procurements.—

"(A) In general.—In order to advance new technologies and lower the cost of constructing new transit systems, the Secretary shall allow the solicitation for a turnkey system project to be funded under this Act to be conditionally awarded before Federal requirements have been met on the project so long as the award is made without prejudice to the implementation of those Federal requirements. Federal financial assistance under this Act may be made available for such a project when the recipient has complied with relevant Federal requirements.

"(B) Initial demonstration phase.—In order to develop regulations applying generally to turnkey system projects, the Secretary is authorized to approve not less than 2 projects for an initial demonstration phase. The results of

such demonstration projects (and any other projects currently using this procurement method) shall be taken into consideration in the development of the regulations implementing this subsection.

"(C) TURNKEY SYSTEM PROJECT DEFINED.—As used in this subsection, the term 'turnkey system project' means a project under which a recipient contracts with a consortium of firms, individual firms, or a vendor to build a transit system that meets specific performance criteria and which is operated by the vendor for a period of time.

"(2) MULTIYEAR ROLLING STOCK PROCUREMENTS.—

"(A) IN GENERAL.—A recipient procuring rolling stock with Federal financial assistance under this Act may enter into a multiyear agreement for the purchase of such rolling stock and replacement parts pursuant to which the recipient may exercise an option to purchase additional rolling stock or replacement parts for a period not to exceed 5 years from the date of the original contract.

"(B) CONSORTIA.—The Secretary shall permit 2 or more recipients to form a consortium (or otherwise act on a cooperative basis) for purposes of procuring rolling stock in accordance with this paragraph and other Federal procurement requirements.

"(3) EFFICIENT PROCUREMENT.—A recipient may award to other than the lowest bidder in connection with a procurement under this Act when such award furthers objectives which are consistent with purposes of this Act, such as improved long-term operating officiency and lower long-term costs. Not later than 90 days after the date of the enactment of this Act, the Secretary shall (A) make such modifications to current procedures as are appropriate to make the policy set forth in this paragraph readily practicable for all transit agencies, including smaller and medium sized agencies, and (B) issue guidance clarifying and implementing such policy.".

SEC. 3020. FEDERAL SHARE FOR ADA AND CLEAN AIR ACT COMPLIANCE.

Section 12 is further amended by inserting at the end the following new subsection:

"(m) FEDERAL SHARE FOR CERTAIN PROJECTS.—A Federal grant for a project to be assisted under this Act that involves the acquisition of vehicle-related equipment required by the Clean Air Act or the Americans with Disabilities Act of 1990 shall be 90 percent of the net project cost of such equipment attributable to compliance with such Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs attributable to equipment specified in the preceding sentence.".

SEC. 3021. TRANSIT SERVICES FOR ELDERLY AND DISABLED INDIVIDUALS.

Section 16 is amended—

(1) by striking "elderly and handicapped persons" each place it appears and inserting "elderly persons and persons with disabilities";

(2) in subsection (b)(2) by inserting "to the Governor of each State for allocation" before "to private";

(3) in subsection (b)(2) by inserting "or to public bodies approved by the State to coordinate services for elderly persons and persons with disabilities or to public bodies which certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service under this subsection" after "inappropriate";

(4) by striking "and" at the end of subsection (b)(1), by striking the period at the end of subsection (b)(2) and inserting "; and", and by inserting after subsection (b)(2) the following:

"(3) eligible capital expenses under this section may include, at the option of the recipient, the acquisition of transportation services under a contract, lease, or other arrangement.";

(5) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(6) by inserting after subsection (b) the following:

"(c) Apportionment and Use of Funds.—

"(1) State program of projects.—Funds made available for purposes of subsection (b) may be used for transportation projects to assist in the provision of transportation services for elderly persons and persons with disabilities which are included in a State program of projects. Such programs shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Federal sources.

"(2) Apportionment.—Sums made available for expenditure for purposes of subsection (b) shall be apportioned to the States on the basis of a formula administered by the Secretary which shall take into consideration the number of elderly persons and persons with disabilities in each State.

"(3) Transfer of amounts.—Any amounts of a State's apportionment under this subsection that remain available for obligation at the beginning of the 90-day period before the expiration of the period of availability of such amounts shall be available to the Governor for transfer to supplement funds apportioned to the State under section 18(a) or section 9(d).

"(4) Leasing of vehicles.—The Secretary shall, not later than 60 days following the enactment of the Federal Transit Act, issue regulations to allow vehicles purchased under this section to be leased to local public bodies and agencies for the purpose of improving transportation services designed to meet the special needs of elderly persons and persons with disabilities."; and

(7) by striking subsection (f), as redesignated by this section, and inserting the following:

"(f) Meal Delivery Service to Homebound Persons.—Transit service providers receiving assistance under this section or section 18(a) may coordinate and assist in providing meal delivery service for homebound persons on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers.".

SEC. 3022. TRANSFER OF FACILITIES AND EQUIPMENT.

Section 18 is amended by striking subsection (g) and inserting the following:

"(g) TRANSFER OF FACILITIES AND EQUIPMENT.—A State may transfer facilities and equipment acquired with assistance under this section or section 16(b) to any recipient eligible to receive assistance under this Act with the consent of the recipient currently in possession of such facilities or equipment, if the facility or equipment will continue to be used in accordance with the requirements of this section or section 16(b), as the case may be."

SEC. 3023. INTERCITY BUS TRANSPORTATION.

Section 18 is further amended by adding at the end the following new subsection:

"(i) INTERCITY BUS TRANSPORTATION.—

"(1) FUNDING OF PROGRAM.—Subject to paragraph (2), a State shall expend not less than 5 percent of the amounts made available to such State under this section in fiscal year 1992, 10 percent of such amounts in fiscal year 1993, and 15 percent of such amounts in fiscal year 1994 and each fiscal year beginning thereafter to carry out a program for the development and support of intercity bus transportation. Eligible activities under such a program include planning and marketing for intercity bus transportation, capital grants for intercity bus shelters, joint-use stops and depots, operating grants through purchase-of-service agreements, user-side subsidies and demonstration projects, and coordination of rural connections between small transit operations and intercity bus carriers.

"(2) CERTIFICATION.—A State shall not be required to comply with paragraph (1) in any fiscal year in which the Governor certifies to the Secretary that the intercity bus service needs of the State are being adequately met.

"(3) SPECIAL RULE.—For fiscal year 1992, a State may meet the requirement of paragraph (1) by expending to carry out the program described in paragraph (1) at least 50 percent of the increase in the amount allocated to the State under this section between fiscal year 1991 and fiscal year 1992."

SEC. 3024. USE OF POPULATION ESTIMATES.

Section 18(a) is amended in the second sentence by inserting after "the latest available Federal census" the following: ", the population estimate prepared by the Secretary of Commerce following the 4th year after the date of publication of such Federal census, or the population estimate prepared by the Secretary of Commerce following the 8th year after such date of publication, whichever is the most recent."

SEC. 3025. AUTHORIZATIONS.

Section 21 is amended to read as follows:

"SEC. 21. AUTHORIZATIONS.

"(a) FORMULA GRANT PROGRAMS.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 9B, 11(b), 12(a), 16(b), 18, 23, and 26 of this Act, $1,150,000,000 for fiscal year 1993, $1,190,000,000 for fiscal

year 1994, $1,150,000,000 for fiscal year 1995, $1,110,000,000 for fiscal year 1996, and $1,920,000,000 for fiscal year 1997, to remain available until expended.

"(2) FROM GENERAL FUNDS.—In addition to the amounts specified in paragraph (1), there are authorized to be appropriated to carry out sections 9, 11(b), 12(a), 16(b), 18, 23, and 26 of this Act, and substitute transit projects under section 103(e)(4) of title 23, United States Code, $2,055,000,000 for fiscal year 1993, $1,885,000,000 for fiscal year 1994, $1,925,000,000 for fiscal year 1995, $1,965,000,000 for fiscal year 1996, and $2,430,000,000 for fiscal year 1997, to remain available until expended.

"(3) FISCAL YEAR 1992.—There shall be available from the Mass Transit Account of the Highway Trust Fund for fiscal year 1992, $409,710,000 to carry out section 9B of this Act, to remain available until expended.

"(b) SECTION 3 DISCRETIONARY AND FORMULA GRANTS.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out section 3 of this Act, $1,725,000,000 for fiscal year 1993, $1,285,000,000 for fiscal year 1994, $1,525,000,000 for fiscal year 1995, $1,665,000,000 for fiscal year 1996, and $2,880,000,000 for fiscal year 1997, to remain available until expended.

"(2) FROM GENERAL FUNDS.—In addition to the amounts specified in paragraph (1), there are authorized to be appropriated to carry out section 3 of this Act, $305,000,000 for fiscal year 1993, $265,000,000 for fiscal year 1994, $425,000,000 for fiscal year 1995, $385,000,000 for fiscal year 1996, and $20,000,000 for fiscal year 1997, to remain available until expended.

"(3) FISCAL YEAR 1992.—There shall be available from the Mass Transit Account of the Highway Trust Fund for fiscal year 1992—

"(A) $1,345,000,000 to carry out section 3 of this Act;

"(B) $43,750,000 to carry out section 8 of this Act;

"(C) $55,000,000 to carry out section 16 of this Act;

"(D) $19,460,000 to carry out section 26(a) of this Act;

"(E) $20,050,000 to carry out section 26(b) of this Act, of which $14,000,000 shall be available only for part C of title VI of the Intermodal Surface Transportation Efficiency Act of 1991; and

"(F) $7,000,000 to carry out section 11(b) of this Act.

Such sums shall remain available until expended.

"(4) CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant or contract with funds made available under subsection (a)(1), (a)(3), (b)(1), or (b)(3) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project. Approval by the Secretary of a grant or contract with funds made available under subsection (a)(2) or (b)(2) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project only to the extent that amounts are provided in advance in appropriations Acts.

"(c) SET-ASIDE FOR PLANNING, PROGRAMMING, AND RESEARCH.—Before apportionment in each fiscal year of the funds made available or appropriated under subsection 8(p), an amount equivalent to 3.0 percent of funds made available or appropriated under subsections (a) and (b) shall be made available until expended as follows:

"(1) 45 percent of such funds shall be made available for metropolitan planning activities under section 8(f);

"(2) 5 percent of such funds shall be made available to carry out section 18(h);

"(3) 20 percent of such funds shall be made available to carry out the State program under section 26(a); and

"(4) 30 percent of such funds shall be made available to carry out the national program under section 26(b).

"(d) OTHER SET-ASIDES.—Before apportionment in each fiscal year of the funds made available or appropriated under subsection (a), of the funds made available or appropriated under subsections (a) and (b)—

"(1) not to exceed an amount equivalent to .96 percent shall be available for administrative expenses to carry out section 12(a) of this Act and shall be available until expended;

"(2) not to exceed an amount equivalent to 1.34 percent shall be available for transportation services to elderly persons and persons with disabilities pursuant to the formula under section 16(b) of this Act and shall be available until expended; and

"(3) $7,000,000 shall be available for the purposes of section 11(b) relating to university transportation centers for each of fiscal years 1993 through 1996.

"(e) COMPLETION OF INTERSTATE TRANSFER TRANSIT PROJECTS.—Of the amounts remaining available each year under subsections (a) and (b), after allocation pursuant to subsections (c) and (d), for substitute transit projects under section 103(e)(4) of title 23, United States Code, there shall be available $160,000,000 for fiscal year 1992 and $164,843,000 for fiscal year 1993.

"(f) SET-ASIDE FOR RURAL TRANSPORTATION.—An amount equivalent to 5.5 percent of the amounts remaining available each year under subsection (a), after allocation pursuant to subsections (c), (d), and (e), shall be available pursuant to the formula under section 18. Such sums shall remain available until expended.

"(g) SECTION 9 FUNDING.—The funds remaining available each year under subsection (a), after allocation pursuant to subsections (c), (d), (e) and (f), shall be available under section 9.".

SEC. 3026. REPORT ON SAFETY CONDITIONS IN MASS TRANSIT.

Section 22 is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 22."; and

(2) by adding at the end a new subsection as follows:

"(b) REPORT.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall transmit to Congress a report containing—

"(1) actions taken to identify and investigate conditions in any facility, equipment, or manner of operation as part of the findings and determinations required of the Secretary in providing grants and loans under this Act;

"(2) actions taken by the Secretary to correct or eliminate any conditions found to create a serious hazard of death or injury as a condition for making funds available through grants and loans under this Act;

"(3) a summary of all passenger-related deaths and injuries resulting from unsafe conditions in any facility, equipment, or manner of operation of such facilities and equipment financed in whole or in part under this Act;

"(4) a summary of all employee-related deaths and injuries resulting from unsafe conditions in any facility, equipment, or manner of operation of such facilities and equipment financed in whole or in part under this Act;

"(5) a summary of all actions taken by the Secretary to correct or eliminate the unsafe conditions to which such deaths and injuries were attributed;

"(6) a summary of those actions taken by the Secretary to alert transit operators of the nature of the unsafe conditions which were found to create a serious hazard of death or injury; and

"(7) recommendations to the Congress by the Secretary of any legislative or administrative actions necessary to ensure that all recipients of funds under this Act will institute the best means available to correct or eliminate hazards of death or injury, including—

"(A) a timetable for instituting actions,

"(B) an estimate of the capital and operating cost to take such actions, and

"(C) minimum standards for establishing and implementing safety plans by recipients of funds under this Act."

SEC. 3027. PROJECT MANAGEMENT OVERSIGHT.

Section 23(a) is amended—

(1) by striking paragraphs (1) through (5);

(2) by striking "½ of 1 percent of—" and inserting the following:

"½ of 1 percent of the funds made available for any fiscal year to carry out sections 3, 9, or 18 of this Act, or interstate transfer transit projects under section 103(e)(4) of title 23, United States Code, as in effect on September 30, 1991, or a project under the National Capital Transportation Act of 1969 to contract with any person to oversee the construction of any major project under any such section. In addition to such amounts, the Secretary may as necessary use not more than ¼ of 1 percent of the funds made available in any fiscal year to carry out a major project under section 3 to contract with any person to oversee the construction of such major project."

SEC. 3028. NEEDS SURVEY.

The Act is amended by inserting after section 26 the following new section:

"SEC. 27. NEEDS SURVEY AND TRANSFERABILITY STUDY.

*"(a) N*EEDS *S*URVEY*.—In January 1993 and in January of every second year thereafter, the Comptroller General shall transmit to the Committee on Banking, Housing, and Urban Affairs of the*

Senate and the Committee on Public Works and Transportation of the House of Representatives a report containing an evaluation of the extent to which current transit needs are adequately addressed and an estimate of the future transit needs of the Nation, including transit needs in rural areas (particularly access to health care facilities). Such report shall include the following:

"(1) An assessment of needs related to rail modernization, guideway modernization, replacement, rehabilitation, and purchase of buses and related equipment, construction of bus related facilities, and construction of new fixed guideway systems and extensions to fixed guideway systems.

"(2) A 5-year projection of the maintenance and modernization needs that will result from aging of existing equipment and facilities, including the need to overhaul or replace existing bus fleets and rolling stock used on fixed guideway systems.

"(3) A 5-year projection of the need to invest in the expansion of existing transit systems to meet changing economic, commuter, and residential patterns.

"(4) An estimate of the level of expenditure needed to satisfy the needs identified above.

"(5) An examination of existing Federal, State, and local resources as well as private resources that are or can reasonably be expected to be made available to support public transit.

"(6) The gap between the level of expenditure estimated under paragraph (4) and the level of resources available to meet such needs identified under paragraph (5).

"(b) TRANSFERABILITY STUDY.—

"(1) IN GENERAL.—In January 1993 and in January of every second year thereafter, the Comptroller General shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on implementation of the transferability provisions of section 9(j)(3) of this Act.

"(2) CONTENTS.—The report shall identify, by State, the amount of transit funds transferred for nontransit purposes under such sections during the previous fiscal year and shall include an assessment of the impact of such transfers on the transit needs of individuals and communities within the State. Specifically, the report shall assess the impact of such transfers (A) on the State's ability to meet the transit needs of elderly individuals and individuals with disabilities, (B) on efforts to meet the objectives of the Americans With Disabilities Act of 1990 and the Clean Air Act, and (C) on the State's efforts to extend public transit services to unserved rural areas. The report shall also include an examination of the relative levels of Federal transit assistance and services in urban and rural areas in fiscal year 1991 and the extent to which such assistance and service has increased or decreased in subsequent fiscal years as a result of transit resources made available under this Act and the Intermodal Surface Transportation Efficiency Act of 1991.".

SEC. 3029. STATE RESPONSIBILITY FOR FIXED GUIDEWAY SYSTEM SAFETY.

The Act is amended by inserting after section 27 the following new section:

"SEC. 28. STATE RESPONSIBILITY FOR FIXED GUIDEWAY SYSTEM SAFETY.

"(a) Withholding of Funds for Noncompliance.—The Secretary may withhold up to 5 percent of the amount required to be apportioned for use in any State or urbanized area in such State under section 9 for any fiscal year beginning after September 30, 1994, if the State in the previous fiscal year has not met the requirements of subsection (b) and the Secretary determines that the State is not making adequate efforts to comply with such subsection.

"(b) State Requirements.—A State meets the requirements of this section if—

"(1) the State establishes and is implementing a safety program plan for each fixed guideway transit system in the State which establishes, at a minimum, safety requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for such system;

"(2) the State designates an agency of the State with responsibility to—

"(A) require, review and approve, and monitor implementation of such plans; and

"(B) investigate hazardous conditions and accidents on such systems and require corrective actions to correct or eliminate such conditions; and

"(3) in any case in which more than 1 State would be subject to this section in connection with a single transit agency, the affected States may designate an entity other than the transit agency to ensure uniform safety standards and enforcement and to meet the requirements of this subsection.

"(c) Period of Availability; Effect of Compliance and Noncompliance.—

"(1) Period of availability of withheld funds.—Any funds withheld under subsection (a) from apportionment for use in any State in a fiscal year, shall remain available for apportionment for use in such State until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(2) Apportionment of withheld funds after compliance.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment for use in a State under paragraph (1), the State meets the requirements of subsection (b), the Secretary shall, on the first day on which the State meets the requirements of subsection (b), apportion to the State the funds withheld under subsection (a) that remain available for apportionment for use in the State.

"(3) Period of availability of subsequently apportioned funds.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year succeeding the fiscal year in which such funds are apportioned pursuant to paragraph (2). Sums not obligated at

the end of such period shall be apportioned for use in other States under section 9 of this Act.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment for use in a State under paragraph (1), the State does not meet the requirements of subsection (b), such funds shall be apportioned for use in other States under section 9 of this Act.

"(d) LIMITATION ON APPLICABILITY.—This section only applies to States that have rail fixed guideway mass transportation systems which are not subject to regulation by the Federal Railroad Administration.

"(e) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations which set forth the requirements for complying with subsection (b)."

SEC. 3030. PLANNING AND RESEARCH.

The Act is amended by inserting after section 25 the following:

"SEC. 26. PLANNING AND RESEARCH PROGRAM.

"(a) STATE PROGRAM.—The funds made available under section 21(c)(3) shall be available for State programs as follows:

"(1) TRANSIT COOPERATIVE RESEARCH PROGRAM.—50 percent of that amount shall be available for the transit cooperative research program to be administered as follows:

"(A) INDEPENDENT GOVERNING BOARD.—The Secretary shall establish an independent governing board for such program to recommend mass transportation research, development, and technology transfer activities as the Secretary deems appropriate.

"(B) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities as the Secretary determines are appropriate.

"(2) STATE PLANNING AND RESEARCH.—The remaining 50 percent of that amount shall be apportioned to the States for grants and contracts consistent with the purposes of sections 6, 8, 10, 11, and 20 of this Act.

"(A) APPORTIONMENT FORMULA.—Amounts shall be apportioned to the States in the ratio which the population in urbanized areas in each State bears to the total population in urbanized areas, in all the States as shown by the latest available decennial census, except that no State shall receive less than ½ of 1 percent of the amount apportioned under this section.

"(B) ALLOCATION WITHIN A STATE.—A State may authorize a portion of its funds made available under this subsection to be used to supplement funds available under subsection (a)(1), as the State deems appropriate.

"(b) NATIONAL PROGRAM.—

"(1) IN GENERAL.—The funds made available under section 21(c)(4), shall be available to the Secretary for grants or contracts for the purposes of section 6, 8, 10, 11, or 20 of this Act, as the Secretary deems appropriate.

"(2) Compliance with ADA.—Of the amounts available under paragraph (1), the Secretary shall make available not less than $2,000,000 to provide transit-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans with Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this subsection through contract with a national nonprofit organization serving persons with disabilities with demonstrated capacity to carry out these activities.

"(3) Special initiatives.—Of the amounts available under paragraph (1), an amount not to exceed 25 percent shall be available to the Secretary for special demonstration initiatives subject to such terms, conditions, requirements, and provisions as the Secretary deems consistent with the requirements of this Act, except that the provisions of section 3(e)(4) shall apply to operational grants funded for purposes of section 6. For nonrenewable grants that do not exceed $100,000, the Secretary shall provide expedited procedures governing compliance with requirements of this Act.

"(4) Technology development.—

"(A) Program.—The Secretary is authorized to undertake a program of transit technology development in coordination with affected entities.

"(B) Industry technical panel.—The Secretary shall establish an Industry Technical Panel consisting of representatives of transportation suppliers and operators and others involved in technology development. A majority of the Panel members shall represent the supply industry. The Panel shall assist the Secretary in the identification of priority technology development areas and in establishing guidelines for project development, project cost sharing, and project execution.

"(C) Guidelines.—The Secretary shall develop guidelines for cost sharing in technology development projects funded under this section. Such guidelines shall be flexible in nature and reflect the extent of technical risk, market risk, and anticipated supplier benefits and pay back periods.

"(5) Advanced fare collection technology pilot project.—From amounts authorized under section 21(c)(4), the Secretary shall make available $1,000,000 in fiscal year 1992 for the purpose of conducting a pilot project to evaluate, develop, and test advanced fare technology systems. Such project shall be carried out by the Washington Metropolitan Transit Authority.

"(6) Inertial navigation technology transfer.—

"(A) Project.—There is authorized to be appropriated from amounts made available under section 21(c), $1,000,000 for fiscal year 1992 to support an inertial navigation system demonstration project for the purpose of determining the safety, economic, and environmental benefits of deploying inertial navigation tracking and control systems in urban and rural environments.

"(B) Public-private sector participants.—The project described in subparagraph (A) shall be conducted by the Transit Safety Research Alliance, a nonprofit public-private sector consortium based in Pittsburgh, Pennsylvania.

"(7) Supplementary funds.—The Secretary may use funds appropriated under this subsection to supplement funds available under subsection (a)(1), as the Secretary deems appropriate.

"(8) Federal share.—Where there would be a clear and direct financial benefit to an entity under a grant or contract funded under this subsection or subsection (a)(1), the Secretary shall establish a Federal share consistent with that benefit.

"(c) Suspended Light Rail System Technology Pilot Project.—

"(1) Full funding grant agreement.—Not later than 60 days after the fulfillment of the requirements under paragraph (5), the Secretary shall negotiate and enter into a full funding grant agreement under section 3 with a public entity selected under paragraph (4) for construction of a suspended light rail system technology pilot project.

"(2) Project purpose.—The purpose of the project under this subsection shall be to assess the state of new technology for a suspended light rail system and to determine the feasibility and costs and benefits of using such a system for transporting passengers.

"(3) Project description.—The project under this subsection shall—

"(A) utilize new rail technology with individual vehicles on a prefabricated, elevated steel guideway;

"(B) be stability seeking with a center of gravity for the detachable passenger vehicles located below the point of wheel-rail contact; and

"(C) utilize vehicles which are driven by overhead bogies with high efficiency, low maintenance electric motors for each wheel, operating in a slightly sloped plane from vertical for both the wheels and the running rails, to further increase stability, acceleration, and braking performance.

"(4) Competition.—

"(A) In general.—Notwithstanding any other provision of law, the Secretary shall conduct a national competition to select a public entity with which to enter into a full funding grant agreement under paragraph (1) for construction of the project under this subsection.

"(B) Publication of notice.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register notice of the competition to be conducted under this paragraph, together with procedures for public entities to participate in the competition.

"(C) Selection of finalists.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall select 3 public entities to be finalists in the competition under this paragraph.

"(D) Award of grants.—The Secretary shall award grants to each of the finalists selected under subparagraph

(C). Such grants shall be used by the finalists to participate in the final phase of the competition under this paragraph in accordance with procedures to be established by the Secretary. The amount of such grants shall not exceed 80 percent of the costs of such participation. No finalists may receive more than ⅓ of the amount made available under paragraph (9)(C).

"(E) SELECTION OF WINNER.—Not later than 210 days after the date of the enactment of this Act, the Secretary shall select from among the finalists selected under subparagraph (C) the public entity with which to enter into a full funding grant agreement under paragraph (1).

"(F) CONSIDERATIONS.—In conducting the competition and selecting public entities under this paragraph, the Secretary shall consider the following:

"(i) The public entity's demonstrated understanding and knowledge of the project under this section.

"(ii) The public entity's technical, managerial, and financial capacity to undertake construction, management, and operation of the project.

"(iii) Maximization of potential contributions to the cost of the project by State, local, and private sector entities, including the donation of in-kind services and materials.

"(5) EXPEDITED PROCEDURES.—Not later than 270 days after the date of selection of a public entity under paragraph (4), the Secretary shall approve and publish in the Federal Register a notice announcing either (A) a finding of no significant impact, or (B) a draft environmental impact statement for the project under this subsection. The alternative analysis for the project shall include a determination as to whether or not to actually construct such project. If a draft environmental impact statement is published, the Secretary shall, not later than 180 days after the date of such publication, approve and publish in the Federal Register a notice of completion of a final environmental impact statement. The project shall not be subject to the major capital investment policy of the Federal Transit Administration.

"(6) NOTICE TO PROCEED WITH CONSTRUCTION.—Not later than 30 days following the execution of the full funding grant agreement under paragraph (1), the Secretary shall issue a notice to proceed with construction.

"(7) OPTION NOT TO CONSTRUCT.—Not later than the 30th day following the completion of preliminary engineering and design for the project, the public entity selected under paragraph (1) will make a determination on whether or not to proceed to actual construction of the project. If such public entity makes a determination not to proceed to such actual construction—

"(A) the Secretary shall not enter into the grant agreement under paragraph (1);

"(B) any remaining sums received shall be returned to the Secretary and credited to the Mass Transit Account of the Highway Trust Fund; and

"(C) the Secretary shall use the amount so credited and all other amounts to be provided under this section to award to entities selected under paragraph (4)(E) grants under section 3 for construction of the project described in paragraph (1).

Any grants under subparagraph (C) shall be awarded after completion of a competitive process for selection of a grant recipient. Such process shall be completed not later than the 60th day following the date of the determination under this subsection.

"(8) OPERATING COST DEFICITS.—The full funding grant agreement under paragraph (1) shall provide that—

"(A) the system vendor for the project under this section shall fund 100 percent of any deficit incurred in operating the project in the first two years of revenue operations of the project; and

"(B) the system vendor for the project under this section shall fund 50 percent of any deficit incurred in operating the project in the third year of revenue operations of the project.

"(9) FUNDING.—

"(A) PRECONSTRUCTION.—If the systems planning, alternatives analysis, preliminary engineering, and design and environmental impact statement are required by law for the project under this subsection, the Secretary shall pay by grant the Federal share of such costs (as determined under section 3) from amounts provided under such section as follows: not less than $4,000,000 for fiscal year 1993. Such funds shall remain available until expended.

"(B) CONSTRUCTION.—The grant agreement under paragraph (1) shall provide that the Federal share of the construction costs of the project under this section shall be paid by the Secretary from amounts provided under section 3 as follows: not less than $30,000,000 for fiscal year 1994. Such funds shall remain available until expended.

"(C) GRANTS.—Grants under paragraph (4) shall be paid by the Secretary from amounts provided under section 3 as follows: not less than $1,000,000 for fiscal year 1992. Any amounts not expended for such grants shall be available for the Federal share of costs described in subparagraphs (A) and (B).

"(D) OPERATION.—Notwithstanding any other provision of law, the grant agreement under paragraph (1) shall provide with respect to the third year of revenue operations of the project under this subsection that the Federal share of operating costs of the project shall be paid by the Secretary from amounts provided under this section in a sum equal to 50 percent of any deficit incurred in operating the project in such year of revenue operations or $300,000, whichever is less.

"(10) FEDERAL SHARE.—The Federal share of the cost of construction of the project under this subsection shall be 80 percent of the net cost of the project.

"(11) Report.—Not later than January 30, 1993, and annually thereafter, the Secretary shall transmit to Congress a report on the progress and results of the project under this subsection."

SEC. 3031. NEW JERSEY URBAN CORE PROJECT.

(a) Contractual Commitments.—

(1) Full funding grant agreement.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall negotiate and enter into a full funding grant agreement under section 3 of the Federal Transit Act for those elements of the New Jersey Urban Core Project which can be fully funded in fiscal years 1992 through 1997. Such grant agreement shall not preclude the allocation of Federal funds for those elements of the project not covered under such grant agreement.

(2) Payment.—The grant agreement under paragraph (1) shall provide that the Federal share of the cost of the New Jersey Urban Core Project shall be paid by the Secretary from amounts provided under section 3 of the Federal Transit Act as follows:

(A) Not less than $95,900,000 for fiscal year 1992.

(B) Not less than $71,700,000 for fiscal year 1993.

(C) Not less than $64,800,000 for fiscal year 1994.

(D) Not less than $146,000,000 for fiscal year 1995.

(E) Not less than a total of $256,000,000 for fiscal years 1996 and 1997.

Nothing in this section shall be construed as precluding other Federal funds from being committed to the project.

(b) Non-Federal Share.—Notwithstanding any other provision of law, for the purpose of calculating non-Federal contributions to the net cost of the New Jersey Urban Core Project, the Secretary shall include all non-Federal contributions made on or after January 1, 1987, for construction of any element of the project. Non-Federal funds committed to one element of the project may be used to meet the non-Federal share requirement for any other element of the project.

(c) Exemption From Certain Requirements.—The requirements contained in section 3(i) of the Federal Transit Act (relating to criteria for new starts) shall not apply with respect to the New Jersey Urban Core Project, except that an alternative analysis and draft environmental impact statement shall be completed with respect to the Hudson River Waterfront element of the project and the Secretary shall approve the recommended locally preferred alternative for such element. No element of the project shall be subject to the major capital investment policy of the Federal Transit Administration.

(d) Elements of Urban Core Project.—For the purposes of this section, the New Jersey Urban Core Project consists of the following elements: Secaucus Transfer, Kearny Connection, Waterfront Connection, Northeast Corridor Signal System, Hudson River Waterfront Transportation System, Newark-Newark International Airport-Elizabeth Transit Link, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, and the equipment needed to operate revenue service as-

sociated with improvements made by the project. The project includes elements advanced with 100 percent non-Federal funds.

SEC. 3032. MULTIYEAR FUNDING FOR SAN FRANCISCO BAY AREA RAIL EXTENSION PROGRAM.

(a) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—

(1) COMPLETION DEADLINE.—Not later than 60 days after the date of the enactment of this Act and in accordance with the National Environmental Policy Act of 1969, the Secretary shall complete a draft environmental impact statement for an extension of the San Francisco Bay Area Rapid Transit District (hereinafter in this section referred to as "BART") to the San Francisco International Airport.

(2) NOTICE OF AVAILABILITY AND REPORTING.—The Secretary shall publish a notice of availability of the draft environmental impact statement for public review. If the Secretary has not published such notice on or before the 60th day following the date of the enactment of this Act, the Secretary shall report to Congress on the status of the completion of such draft environmental impact statement. The Secretary shall continue to report to such committees every 30 days on the status of the completion of the draft environmental impact statement, including any proposed revisions to the statement or to the work plan, until a notice of availability of such document is published in the Federal Register.

(b) PRELIMINARY ENGINEERING GRANT.—

(1) TO BART.—Not later than 30 days after the date of submittal of a locally preferred alternatives report and notwithstanding any other provision of law, the Secretary shall make a grant to BART to conduct preliminary engineering and to complete an environmental impact statement on the locally preferred alternative for the extension of BART to the San Francisco International Airport. The amount of such grant shall be 75 percent of preliminary engineering costs, unless the matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent.

(2) TO SANTA CLARA COUNTY.—Not later than 30 days after the date of the enactment of this Act and notwithstanding any other provision of the law, the Secretary shall make a grant to the Santa Clara County Transit District (hereinafter in this section referred to as "SCCTD") to conduct preliminary engineering and to complete an environmental impact statement in accordance with the National Environmental Policy Act of 1969 on the locally preferred alternative for the Tasman Corridor Project. The amount of such grant shall be $12,750,000; except that the Federal share for all project costs may not exceed 50 percent, unless the matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent. Local funds expended on the Tasman Corridor Project after the locally preferred alternative was approved by the Metropolitan Transportation Commission on July

31, 1991, shall be considered eligible project costs under the Federal Transit Act.

(c) CONTRACTUAL COMMITMENTS.—

(1) APPROVAL OF CONSTRUCTION.—Notwithstanding any other provision of law, the Secretary shall approve the construction of the locally preferred alternative for the BART San Francisco International Airport Extension (Phase 1a to Colma and Phase 1b to San Francisco Airport) and the Tasman Corridor Project according to the following schedule; provided that the Secretary does not grant approval under subparagraphs (A), (B), and (C) before the 30th day after completion of the environmental impact statement:

(A) Not later than 90 days after the date of the enactment of this Act, the Secretary shall approve such construction for BART Phase 1a to Colma.

(B) Not later than 90 days after the date of the completion of preliminary engineering, the Secretary shall approve such construction for BART Phase 1b to San Francisco International Airport.

(C) Not later than 90 days after the date of the completion by SCCTD of preliminary engineering, the Secretary shall approve such construction for the Tasman Corridor Project.

(2) EXECUTION OF CONTRACT.—Upon approving construction under paragraph (1), the Secretary shall execute a multiyear grant agreement with BART to permit the expenditure of funds for the construction of the BART San Francisco International Airport Extension (Phase 1a and Phase 1b) and with SCCTD for the construction of the Tasman Corridor Project.

(d) FEDERAL SHARE.—

(1) BART EXTENSION.—The grant agreement under subsection (c)(2) shall provide that the Federal share of the project cost for the locally preferred alternative for the BART San Francisco International Airport Extension (Phase 1a and Phase 1b) shall be 75 percent, unless the matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent.

(2) TASMAN CORRIDOR PROJECT.—The grant agreement under subsection (c)(2) shall provide that the Federal share of the project cost for the locally preferred alternative for the Tasman Corridor Project, including costs for preliminary engineering, shall be 50 percent, unless that matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent.

(e) PAYMENT.—The grant agreement under subsection (c)(2) shall provide that the Federal share of the cost of the projects shall be paid by the Secretary from amounts provided under section 3 of the Federal Transit Act for construction of new fixed guideway systems and extensions to fixed guideway systems, as follows:

(1) Not less than $28,500,000 for fiscal year 1990.

(2) Not less than $40,000,000 for fiscal year 1991.

(3) Not less than $100,000,000 for each of fiscal years 1992 through 1995.

(4) Not less than $100,000,000 for fiscal years 1996 and 1997. Apportionment of payments between BART and SCCTD shall be consistent with the Metropolitan Transportation Commission Resolution No. 1876.

(f) ADVANCE CONSTRUCTION.—The grant agreements under subsection (c)(2) shall provide that the Secretary shall reimburse BART and SCCTD from any amounts provided under section 3 of the Federal Transit Act for fiscal years 1992 through 1997 for the Federal share of the net project costs incurred by BART and SCCTD under subsections (c)(1) and (c)(2), including the amount of any interest earned and payable on bonds as provided in section 3(l)(2) of the Federal Transit Act, as follows:

(1) Not later than September 30, 1994, the Secretary shall reimburse BART and SCCTD a total of $368,500,000 (plus such interest), less amounts provided under subsection (e) for fiscal years 1992 through 1994.

(2) Not later than September 30, 1997, the Secretary shall reimburse BART and SCCTD a total of $568,500,000 (plus such interest), less amounts provided under subsection (e) for fiscal years 1992 through 1997.

(g) FULL FUNDING GRANT AGREEMENTS.—

(1) SCHEDULE.—Notwithstanding any other provision of law, the Secretary shall negotiate and execute full funding grant agreements that are consistent with Metropolitan Transportation Commission Resolution No. 1876 with BART for Phase 1a to Colma and Phase 1b to the San Francisco International Airport, and with SCCTD for the Tasman Corridor Project according to the following schedule:

(A) Not later than 90 days after the date of completion by SCCTD of preliminary engineering, the Secretary shall execute such agreement for the Tasman Corridor Project.

(B) Upon completion by BART of 85 percent of final design, the Secretary shall execute such agreement for Phase 1a to Colma.

(C) Upon completion by BART of 85 percent of final design, the Secretary shall execute such agreement for Phase 1b to the San Francisco International Airport.

(2) ADDITIONAL AMOUNTS.—In addition to the $568,500,000 provided under this section, the Secretary shall, subject to annual appropriations, issue full funding grant agreements to complete the projects utilizing the full amount of the unobligated balance in the Mass Transit Account of the Highway Trust Fund.

(h) ALTERNATIVES ANALYSIS.—The Secretary shall permit the Santa Clara County Transit District, in cooperation with the Metropolitan Transportation Commission, to conduct an Alternatives Analysis to examine transit alternatives including a possible BART extension from southern Alameda County through downtown San Jose to Santa Clara, California.

SEC. 3033. QUEENS LOCAL/EXPRESS CONNECTION.

(a) FULL FUNDING GRANT AGREEMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall negotiate and enter into a full funding grant agreement under section 3 of the Federal Transit Act for those elements of the Queens Local/Express Connection which can be fully funded in fiscal years 1992 through 1997. Such grant agreement shall not preclude the allocation of Federal funds for those elements of the project not covered under such grant agreement.

(b) PAYMENT.—The grant agreement under subsection (a) shall provide that the Federal share of the cost of the Queens Local/Express Connection shall be paid by the Secretary from amounts provided under section 3(k)(1)(B) of the Federal Transit Act as follows:

(1) Not less than $11,000,000 for fiscal year 1992.
(2) Not less than $18,700,000 for fiscal year 1993.
(3) Not less than $77,800,000 for fiscal year 1994.
(4) Not less than $76,800,000 for fiscal year 1995.
(5) Not less than $121,800,000 for fiscal year 1996.

Nothing in this section shall be construed as precluding other Federal funds from being committed to the project.

SEC. 3034. MULTIYEAR CONTRACT FOR METRO RAIL PROJECT.

(a) SUPPLEMENTAL EIS.—Not later than April 1, 1992, and in accordance with the National Environmental Policy Act of 1969, the Secretary shall complete preparation of a final supplemental environmental impact statement for Minimum Operable Segment-3 (other than the East Side Extension) and publish a notice of the completion of such statement in the Federal Register. Such statement shall reflect any alignment changes in the Los Angeles Metro Rail Project and any determination of an amended locally preferred alternative for the project. In preparing such statement, the Secretary shall rely, to the maximum extent feasible, upon existing environmental studies and analyses conducted with respect to the project, including the Draft Supplemental Environmental Impact Statement (dated November 1987) and the Final Supplemental Environmental Impact Statement (dated July 1989).

(b) AMENDMENT TO CONTRACT TO INCLUDE CONSTRUCTION OF MOS-3.—

(1) NEGOTIATION.—Not later than April 1, 1992, the Secretary shall begin negotiations with the Commission on an amendment to the full funding contract under section 3 of the Federal Transit Act (dated April 1990) for construction of Minimum Operable Segment-2 of the Los Angeles Metro Rail Project in order to include construction of Minimum Operable Segment-3 (including the commitment described in paragraph (4) to provide Federal funding for the East Side Extension) in such contract.

(2) EXECUTION.—Not later than October 15, 1992, the Secretary shall—

(A) complete negotiations and execute the amended contract under paragraph (1); and

(B) issue a record of decision approving the construction of Minimum Operable Segment-3 (other than the East Side Extension).

(3) PAYMENT OF FEDERAL SHARE.—

(A) FEDERAL SHARE.—The amended contract under paragraph (1) shall provide that the Federal share of the cost of construction of Minimum Operable Segment–3 for fiscal years 1993 through 1997 shall be $695,000,000.

(B) PAYMENT.—The amended contract under paragraph (1) shall provide that the Federal share of the cost of construction of Minimum Operable Segment–3 shall be paid by the Secretary from amounts available under section 3 of the Federal Transit Act in accordance with a schedule for annual payments set forth in such contract.

(4) EAST SIDE EXTENSION.—The amended contract under paragraph (1) shall include a commitment to provide Federal funding for the East Side Extension, subject to completion of alternatives analysis and satisfaction of Federal environmental requirements.

(5) ADVANCE CONSTRUCTION.—

(A) IN GENERAL.—The amended contract under paragraph (1) shall provide that the Commission may construct any portion of Minimum Operable Segment–3 in accordance with section 3(l) of the Federal Transit Act.

(B) AMOUNT.—The Commission may use advance construction authority in an amount not to exceed the sum of $535,000,000 plus the difference (if any) between the Federal share specified in paragraph (3) for fiscal years 1993 through 1997 and the amount of Federal funds actually provided in those fiscal years.

(C) CONVERSION TO GRANTS.—In the event the Commission uses advance construction authority under this paragraph, the Secretary shall convert that authority into a grant and shall reimburse the Commission, from funds available under section 3 of the Federal Transit Act, for the Federal share of the amounts expended. Such conversion and reimbursement shall be made by the Secretary in fiscal years 1998, 1999, and 2000 and shall be equal to the Federal share of the amounts expended by the Commission pursuant to this paragraph (plus any eligible bond interest under section 3(l)(2) of the Federal Transit Act).

(c) FURTHER AMENDMENT TO CONTRACT.—Not later than October 15, 1996, the Secretary shall negotiate and enter into a further amendment to the contract described in subsection (b)(1) in order to provide Federal funding for Minimum Operable Segment–3 for fiscal years 1998 through 2000. The amended contract shall include provisions for the use and reimbursement of advance construction in the manner set forth in subsection (b)(5).

(d) CONTINUING PRELIMINARY ENGINEERING.—Before the date on which an amended contract is executed under subsection (b), the Secretary shall, upon receipt of an application from the Commission, make a grant to the Commission from amounts available under section 3 of the Federal Transit Act for continuing preliminary engineering and environmental analysis work for Minimum Operable Segment–3.

(e) ADDITION OF EAST SIDE EXTENSION.—

(1) ALTERNATIVES ANALYSIS AND ENVIRONMENTAL REVIEW.—The Secretary shall cooperate with the Commission in alterna-

tives analysis and environmental review, including preparation of a draft environmental impact statement, for the East Side Extension. Upon receipt of an application from the Commission, the Secretary shall make a grant to the Commission, from amounts available under section 3 of the Federal Transit Act, for preliminary engineering, design, and related expenses for the East Side Extension, in an amount equal to 50 percent of the cost of such activities. Such funds shall be provided from the amounts made available by the Secretary under subsection (b)(3).

(2) SUPPLEMENTAL EIS.—Not later than December 1, 1993, and in accordance with the National Environmental Policy Act of 1969, the Secretary shall complete preparation of a final supplemental environmental impact statement for the East Side Extension and shall publish a notice of completion of such statement in the Federal Register.

(3) AMENDMENT TO CONTRACT TO INCLUDE EAST SIDE EXTENSION.—

(A) NEGOTIATION.—Immediately upon the completion of alternatives analysis and preliminary engineering for the East Side Extension, the Secretary shall begin negotiations with the Commission on a further amendment to the contract referred to in subsection (b)(1) in order to include construction of the East Side Extension.

(B) EXECUTION.—Not later than June 1, 1994, the Secretary shall—

(i) complete negotiations and execute the amended contract under subparagraph (A); and

(ii) issue a record of decision approving the construction of the East Side Extension.

(C) CONTENTS.—The amended contract under subparagraph (A) shall be consistent with the commitment made under subsection (b)(4) and shall include appropriate changes to the existing scope of work to include the East Side.

(f) APPLICABILITY OF FEDERAL REQUIREMENTS.—The amended contracts under this section shall provide that any activity under Minimum Operable Segment-3 that is financed entirely with non-Federal funds shall not be subject to any Federal statute, regulation, or program guidance, unless the Federal statute or regulation in question, by its terms, otherwise applies to and covers such activity.

(g) CRITERIA FOR NEW STARTS.—Minimum Operable Segment-3 shall be deemed to be a project described in and covered by section 303(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(h) NOTIFICATION OF NONCOMPLIANCE.—If the Secretary is unable to comply with a deadline established by this section, the Secretary shall report to Congress on the reasons for the noncompliance and shall provide such Committees a firm schedule for taking the action required.

(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) COMMISSION.—The term "Commission" means the Los Angeles County Transportation Commission (or any successor thereto).

(2) EAST SIDE EXTENSION.—The term "East Side Extension" means that portion of Minimum Operable Segment–3 described in paragraph (3)(C).

(3) MINIMUM OPERABLE SEGMENT–3.—The term "Minimum Operable Segment–3" means that portion of the Los Angeles Metro Rail Project which consists of 7 stations and approximately 11.6 miles of heavy rail subway on the following lines:

(A) One line running west and northwest from the Hollywood/Vine station to the North Hollywood station, with 2 intermediate stations.

(B) One line running west from the Wilshire/Western station to the Pico/San Vicente station, with one intermediate station.

(C) One line consisting of an initial line of approximately 3 miles in length, with at least 2 stations, beginning at Union Station and running generally east.

SEC. 3035. MISCELLANEOUS MULTIYEAR CONTRACTS.

(a) HAWTHORNE, NEW JERSEY-WARWICK, NEW YORK, SERVICE.—No later than 120 days after the date of the enactment of this Act, the Secretary shall negotiate and sign a multiyear grant agreement with the New Jersey Transit Corporation which includes not less than $35,710,000 in fiscal year 1992 and not less than $11,156,000 in fiscal year 1993 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of a project to provide commuter rail service from Hawthorne, New Jersey, to Warwick, New York (including a connection with the New Jersey Transit Main Line in Hawthorne, New Jersey, and improvements to the New Jersey Transit Main Line station in Paterson, New Jersey). Such agreement shall provide that amounts provided under the agreement may be used for purchasing equipment and for rehabilitating and constructing stations, parking facilities, and other facilities necessary for the restoration of such commuter rail service.

(b) WESTSIDE LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Tri-County Metropolitan Transportation District of Oregon which includes $515,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act at the Federal share contained in House Report 101–584 to carry out the construction of the locally preferred alternative for the Westside Light Rail Project, including system related costs, set forth in Public Law 101–516 and as defined in House Report 101–584. Such agreement shall also provide for the completion of alternatives analysis, the final Environmental Impact Analysis, and preliminary engineering for the Hillsboro extension to the Westside Project as set forth in Public Law 101–516.

(c) NORTH BAY FERRY SERVICE.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Vallejo, California, which includes $8,000,000 in fiscal year 1992 and $9,000,000 in fiscal year 1993 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out

capital improvements under the North Bay Ferry Service Demonstration Program.

(d) STATEN ISLAND-MIDTOWN MANHATTAN FERRY SERVICE.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the New York City Department of Transportation in New York, New York, which includes $1,000,000 in fiscal year 1992 and $11,000,000 in fiscal year 1993 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out capital improvements under the Staten Island-Midtown Ferry Service Demonstration Program.

(e) CENTRAL AREA CIRCULATOR PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Chicago, Illinois, which includes $260,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative for the Central Area Circulator Project. Such grant agreement shall provide that the Federal share of the cost of such project shall be paid by the Secretary from amounts provided under such section 3(k)(1)(B) as follows:

(1) Not less than $21,000,000 for fiscal year 1992.

(2) Not less than $55,000,000 for fiscal year 1993.

(3) Not less than $70,000,000 for fiscal year 1994.

(4) Not less than $62,000,000 for fiscal year 1995.

(5) Not less than a total of $52,000,000 for fiscal years 1996 and 1997.

(f) SALT LAKE CITY LIGHT RAIL PROJECT.—No later than August 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Utah Transit Authority, which includes $131,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the initial segment of the locally preferred alternative for the Salt Lake City Light Rail Project, including feeder bus and other system related costs.

(g) LOS ANGELES-SAN DIEGO (LOSSAN) RAIL CORRIDOR IMPROVEMENT PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Los Angeles-San Diego Rail Corridor Agency which includes not less than $10,000,000 for fiscal year 1992 and not less than $5,000,000 in each of fiscal years 1993 and 1994 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to provide for capital improvements to the rail corridor between Los Angeles and San Diego, California.

(h) SAN JOSE-GILROY-HOLLISTER COMMUTER RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the responsible operating entity for the San Francisco Peninsula Commute Service which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $13,000,000 for capital improvements and trackage rights related to the extension of commuter rail service from San Jose, through Gilroy, to Hollister, California. The Secretary shall allocate to the Santa Clara County Transit District in fiscal year 1992, from funds made available under such section 3(k)(1)(B), $8,000,000 for the purpose of a one-time purchase of perpetual trackage rights between the

existing terminus in San Jose and Gilroy, California, to run passenger rail service.

(i) DALLAS LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with Dallas Area Rapid Transit which includes $160,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative for the initial 6.4 miles and 10 stations of the South Oak Cliff light rail line. Non-Federal funds used to acquire rights-of-way and to plan, design, and construct any of the elements of such light rail line on or after August 13, 1983, may be used to meet the non-Federal share funding requirement for financing construction of any of such elements.

(j) SOUTH BOSTON PIERS TRANSITWAY/LIGHT RAIL PROJECT.—No later than June 1, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Massachusetts Bay Transportation Authority which includes $278,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the South Station to World Trade Center segment of the locally preferred alternative for the South Boston Piers Transitway/Light Rail Project. Not later than February 28, 1992, the Secretary shall allocate from such $278,000,000 such sums as may be necessary to carry out preliminary engineering and design for the entirety of such preferred alternative. Section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1992, is amended by striking "—", by striking "(a)", by striking "; and" at the end of paragraph (a) and all that follows through the period at the end of such section and inserting a period, and by running in the remaining matter of paragraph (a) following "Administration".

(k) KANSAS CITY LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Kansas City Area Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $1,500,000 in fiscal year 1992, and $4,400,000 in fiscal year 1993 to provide for the completion of alternatives analysis and preliminary engineering for the Kansas City Light Rail Project.

(l) ORLANDO STREETCAR (OSCAR) DOWNTOWN TROLLEY PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Orlando, Florida, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $5,000,000 to provide for the completion of alternatives analysis and preliminary engineering for the Orlando Streetcar (OSCAR) Downtown Trolley Project.

(m) DETROIT LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the city of Detroit, Michigan, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, not less than $10,000,000 for fiscal year 1992, and not less than $10,000,000 for fiscal year 1993, to provide for the completion of alternatives analysis and preliminary engineering for the Detroit Light Rail Project.

(n) Bus and Bus Related Equipment Purchases in Altoona, Pennsylvania.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with Altoona Metro Transit for $2,000,000 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act to provide for the purchase of 10 buses, a fuel storage tank, a bus washer and 2 service vehicles.

(o) Long Beach Metro Link Fixed Rail Project.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Los Angeles County Transportation Commission which includes $4,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act, to provide for the completion of alternatives analysis and preliminary engineering for the Metro Link Project in Long Beach, California.

(p) Lakewood-Freehold-Matawan or Jamesburg Rail Project.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the New Jersey Transit Corporation, which includes, from funds made available to the Northeastern New Jersey urbanized area under section 3(k)(1)(B) of the Federal Transit Act, $1,800,000 in fiscal year 1992 and $3,000,000 in each of fiscal years 1993 and 1994 to provide for the completion of alternatives analysis, preliminary engineering, and environmental impact statement for the Lakewood-Freehold-Matawan or Jamesburg Rail Project.

(q) San Francisco, California.—No later than April 30, 1992, the Secretary shall enter into a grant agreement for $2,500,000 from funds made available under section 3(k)(1)(C) for fiscal year 1992 to construct a parking facility as part of a multimodal transportation facility in the vicinity of California Pacific Medical Center, San Francisco, California.

(r) Charlotte Light Rail Study.—No later than April 30, 1992, the Secretary shall negotiate and sign a multi-year grant agreement with the City of Charlotte, North Carolina which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $125,000 in fiscal year1992 and $375,000 in fiscal year 1993 to provide for the completion of systems planning and alternatives analysis for a priority light rail corridor in the Charlotte metropolitan area.

(s) Buckhead People Mover Conceptual Engineering Study.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Atlanta Regional Commission which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $200,000 in fiscal year 1992, to provide for the completion of a conceptual engineering study for a people mover system in Atlanta, Georgia.

(t) Cleveland Dual Hub Rail Project.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Greater Cleveland Regional Transit Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $2,000,000 in fiscal year 1992, $2,000,000 in fiscal year 1993, and $1,000,000 in fiscal year 1994, to provide for the completion of alternatives analysis on the Cleveland Dual Hub Rail Project.

(u) San Diego Mid Coast Light Rail Project.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear

grant agreement with the San Diego Metropolitan Transit Development Board which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $2,000,000 in fiscal year 1992, $5,000,000 in fiscal year 1993, and $20,000,000 in fiscal year 1994, to provide for the completion of alternatives analysis and the final environmental impact statement, and to purchase right-of-way, for the San Diego Mid Coast Light Rail Project.

(v) CHATTANOOGA DOWNTOWN TROLLEY PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Chattanooga Area Regional Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $1,000,000 in fiscal year 1992 and $1,000,000 in fiscal year 1993 to provide for the completion of alternatives analysis on a proposed trolley circulator in downtown Chattanooga, Tennessee.

(w) NORTHEAST OHIO COMMUTER RAIL FEASIBILITY STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Northeast Ohio Areawide Coordinating Agency which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $800,000 in fiscal year 1992 and $800,000 in fiscal year 1993 to study the feasibility of providing commuter rail service connecting urban and suburban areas in northeast Ohio.

(x) RAILTRAN COMMUTER RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Cities of Dallas and Fort Worth, Texas, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $2,480,000, in fiscal year 1992, and $3,200,000 in fiscal year 1993 to provide for preliminary engineering and construction of improvements to the Dallas/Fort Worth RAILTRAN System.

(y) BUS AND BUS RELATED EQUIPMENT PURCHASES IN JOHNSTOWN, PENNSYLVANIA.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with the Cambria County Transit Authority for $1,600,000 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act to provide for the purchase of 6 midsize buses; spare engines, transmissions, wheels, tires; wheelchair lifts for urban buses; 20 2-way radios; 29 electronic fareboxes and related equipment; computer hardware and software; and shop tools, equipment and parts for the Cambria County Transit System; and a new 400 HP electric motor and related components; cable replacement; hillside erosion control; park-and-ride facilities; and a handicapped pedestrian crosswalk for the Johnstown Inclined Plane.

(z) BUS PURCHASE FOR EUREKA SPRINGS, ARKANSAS.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with Eureka Springs Transit for $63,600 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act to provide for the purchase of an electrically powered bus which is accessible to and usable by individuals with disabilities.

(aa) TUCSON DIAL-A-RIDE PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Tucson, Arizona which includes, from funds made available

under section 3(k)(1)(C) of the Federal Transit Act, $8,000,000 in fiscal year 1992 to make capital improvements related to the Tucson dial-a-ride project.

(bb) LONG BEACH BUS FACILITY PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the Long Beach Transportation Company to include, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $13,875,000 in fiscal year 1992, to provide for the construction of a bus maintenance facility in the service area of such company.

(cc) PARK-AND-RIDE LOT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the Southeastern Pennsylvania Transportation Authority which includes, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $4,000,000 in fiscal year 1992 to construct a park-and-ride lot in suburban Philadelphia, Pennsylvania.

(dd) NASHVILLE INTERMODAL TERMINAL.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Nashville, Tennessee, which includes, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $3,700,000 in fiscal year 1992 to provide for the construction of an intermodal passenger terminal in Nashville, Tennessee.

(ee) MAIN STREET TRANSIT MALL.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Akron, Ohio, which includes, from funds made available to that State under section 3(k)(1)(C) of the Federal Transit Act, $1,450,000 in fiscal year 1992 to provide for preliminary engineering and construction of an extension to the Main Street Transit Mall.

(ff) PEOPLE MOBILIZER.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with PACE which includes, from funds made available to the suburban Chicago urbanized area under section 3(k)(1)(C), $2,300,000 in fiscal year 1992 to make capital purchases necessary for implementing the people mobilizer project in such area. The limitation on operating assistance which but for this section would apply to the people mobilizer project for fiscal year 1992 under section 9(k)(2)(A) of the Federal Transit Act shall be increased by $700,000.

(gg) CENTRE AREA TRANSPORTATION AUTHORITY REIMBURSEMENT.—Notwithstanding any other provision of law, the Secretary shall reimburse the Centre Area Transportation Authority in State College, Pennsylvania, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $1,000,000 in fiscal year 1992 for costs incurred by the Centre Area Transportation Authority between August 1989 and October 1991 in connection with the construction of an administrative maintenance and bus storage facility.

(hh) KEY WEST, FLORIDA.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a grant agreement with the city of Key West, Florida, which includes, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $239,666 in fiscal year 1992 for the cost of purchasing 3 buses.

(ii) BOSTON, MASSACHUSETTS.—The Secretary shall conduct at a cost of $250,000 in fiscal year 1992 from funds made available under section 3(k)(1)(B) of the Federal Transit Act a feasibility study of a proposed rail link between North Station and South Station in Boston, Massachusetts.

(jj) Buffalo, New York.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with the Niagara Frontier Transportation Authority for $2,000,000 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act to provide for the construction of metro bus transit centers in the service area of such transportation authority.

(kk) State of Michigan.—No later than June 30, 1992, the Secretary shall enter into a multiyear grant agreement with the State of Michigan for $10,500,000 for fiscal year 1992, and not less than $10,000,000 for each of fiscal years 1993 through 1997 from funds made available under section 3(k)(1)(C) of the Federal Transit Act for the purchase of buses and bus-related equipment to be distributed among local transit operators. Of the grant amount for fiscal year 1992, $500,000 shall be made available for a study of the feasibility of consolidation of transit services.

(ll) Ann Arbor, Michigan.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with the Ann Arbor Transportation Authority for $1,500,000 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act for the purchase of equipment and software for advanced fare collection technology.

(mm) Bay Area Rapid Transit District Parking.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the San Francisco Bay Area Rapid Transit District which includes, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $12,600,000 for construction of a parking area for the planned East Dublin/Pleasanton BART station.

(nn) Baltimore-Washington Transportation Improvements Program.—The Secretary shall carry out the Baltimore-Washington Transportation Improvements Program as follows:

> *(1) Baltimore-central light rail extension.—By entering into a full funding grant agreement with the Mass Transit Administration of the Maryland Department of Transportation to carry out construction of locally preferred alternatives for the Hunt Valley, Baltimore-Washington International Airport and Penn Station extensions to the light rail line in Baltimore, Maryland. The grant agreement under this paragraph shall provide that the Federal share shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act as follows:*
>
> > *(A) Not less than $30,000,000 for fiscal year 1993.*
> >
> > *(B) Not less than $30,000,000 for fiscal year 1994.*
>
> *(2) MARC extensions.—By entering into a full funding grant agreement with the Mass Transit Administration of the Maryland Department of Transportation for service extensions and other improvements, including extensions of the MARC commuter rail system to Frederick and Waldorf, planning and engineering, purchase of rolling stock and station improvements and expansions. The grant agreement under this paragraph shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act as follows:*
>
> > *(A) Not less than $60,000,000 for fiscal year 1993.*
> >
> > *(B) Not less than $50,000,000 for fiscal year 1994.*

(C) Not less than $50,000,000 for fiscal year 1995.

(3) LARGO EXTENSION.—By entering into a full funding grant agreement with the State of Maryland or its designee to provide alternative analysis, the preparation of an environmental impact statement and preliminary engineering for a proposed rail transit project to be located in the corridor between the Washington Metropolitan Area Transit Authority Addison Road rail station and Largo, Maryland. The grant agreement under this paragraph shall provide that the Federal share shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act in an amount not less than $5,000,000 for fiscal year 1993.

(oo) MILWAUKEE EAST-WEST CORRIDOR PROJECT.—The Secretary shall negotiate and sign a multiyear grant agreement with the State of Wisconsin which includes $200,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the initial segment of the locally preferred alternative as identified in the alternatives analysis of the Milwaukee East-West Corridor Project.

(pp) BOSTON TO PORTLAND TRANSPORTATION CORRIDOR.—If the State of Maine or an agency thereof decides to initiate commuter rail service in the Boston to Portland transportation corridor, $30,000,000 under section 3(k)(1)(B) is authorized to be appropriated for capital improvements to allow such service.

(qq) NORTHEAST PHILADELPHIA COMMUTER RAIL STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Southeastern Pennsylvania Transportation Authority, which includes $400,000 from funds made available to the Philadelphia urbanized area under section 3(k)(1)(B) of the Federal Transit Act to provide for a study of the feasibility of instituting commuter rail service as an alternative to automobile travel to Center City Philadelphia on I-95.

(rr) ATLANTA COMMUTER RAIL STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Atlanta Regional Commission which includes from funds made available to the Atlanta urbanized area under section 3(k)(1)(B) of the Federal Transit Act, $100,000 to study the feasibility of instituting commuter rail service in the Greensboro corridor.

(ss) PITTSBURGH LIGHT RAIL REHABILITATION PROJECT.—No later than 90 days after the date of the enactment of this Act, the Secretary shall negotiate and sign a multiyear grant agreement with the Port Authority of Allegheny County which includes $5,000,000 from funds made available to the Pittsburgh urbanized area under section 3(k)(1)(B) of the Federal Transit Act, to complete preliminary engineering for Stage II LRT rehabilitation in Allegheny County, Pennsylvania.

(tt) ATLANTA NORTH LINE EXTENSION.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Metropolitan Atlanta Rapid Transit Authority which includes $329,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of

the locally preferred alternative for a 3.1 mile extension of the North Line of the heavy rail rapid transit system in Atlanta, Georgia.

(uu) HOUSTON PRIORITY CORRIDOR FIXED GUIDEWAY PROJECT.—Provided that a locally preferred alternative for the Priority Corridor fixed guideway project has been selected by March 1, 1992, no later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Metropolitan Transit Authority of Harris County which includes $500,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of such locally preferred alternative.

(vv) JACKSONVILLE AUTOMATED SKYWAY EXPRESS EXTENSION.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Jacksonville Transportation Authority which includes $71.2 million from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative for a 1.8 mile extension to the Automated Skyway Express starter line.

(ww) HONOLULU RAPID TRANSIT PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City and County of Honolulu which includes $618,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative of a 17.3 mile fixed guideway system.

(xx) SACRAMENTO LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Sacramento Regional Transit District which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act $26,000,000 to provide for the completion of alternatives analysis, preliminary engineering, and final design on proposed extensions to the light rail system in Sacramento, California.

(yy) PHILADELPHIA CROSS-COUNTY METRO RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Southeastern Pennsylvania Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act $2,400,000 to provide for the completion of alternatives analysis and preliminary engineering for the Philadelphia Cross-County Metro Rail Project.

(zz) CLEVELAND BLUE LINE LIGHT RAIL EXTENSION.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Greater Cleveland Regional Transit Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act of 1964, $1,200,000 to provide for the completion of alternatives analysis and preliminary engineering for an extension of the Blue Line to Highland Hills, Ohio.

(aaa) DULLES CORRIDOR RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the State of Virginia, or its assignee, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $6,000,000 to provide for the completion of alternatives analysis and preliminary engineering for a rail corridor from the West Falls Church Washington Metropolitan Area Transit Authority rail station to Dulles International Airport.

(bbb) Puget Sound Core Rapid Transit Project.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the municipality of metropolitan Seattle, Washington, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $300,000,000 for the Puget Sound Core Rapid Transit Project.

(ccc) Seattle-Tacoma Commuter Rail.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the municipality of metropolitan Seattle, Washington, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $25,000,000 for the Seattle-Tacoma Commuter Rail Project.

(ddd) Altoona Pedestrian Crossover.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the city of Altoona, Pennsylvania, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $3,200,000 for construction of the 14th Street Pedestrian Crossover in Altoona, Pennsylvania.

(eee) Multi-Modal Transit Parkway.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the State of California which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $15,000,000 for construction of a multi-modal transit parkway in western Los Angeles, California.

(fff) Canal Street Corridor Light Rail, New Orleans, Louisiana.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the city of New Orleans, Louisiana, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $4,800,000 to provide for the completion of alternatives analysis, preliminary engineering, and an environmental impact statement for the Canal Street Corridor Light Rail System in New Orleans, Louisiana.

SEC. 3036. UNOBLIGATED M ACCOUNT BALANCES.

Notwithstanding any other provision of law, any obligated M account balances remaining available for expenditure as of August 1, 1991, under "Urban Discretionary Grants" and "Interstate Transfer Grants-Transit" of the Federal Transit Administration program shall be exempt from the application of the provisions of section 1405(b)(4) and (b)(6) of Public Law 101–510 and section 1552 of title 31, United States Code, and shall be available until expended.

SEC. 3037. TECHNICAL ACCOUNTING PROVISIONS.

Notwithstanding any other provision of law, any funds appropriated before October 1, 1983, under section 6, 10, 11, or 18 of the Act, or section 103(e)(4) of title 23, United States Code, in effect on September 30, 1991, that remain available for expenditure after October 1, 1991, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 3038. REDUCTION IN AUTHORIZATIONS FOR BUDGET COMPLIANCE.

If the total amount authorized by this Act (including amendments made by this Act) out of the Mass Transit Account of the Highway Trust Fund exceeds $1,900,000,000 for fiscal year 1992, or exceeds $13,800,000,000 for fiscal years 1992 through 1996, then each *amount so authorized shall be reduced proportionately so that the total equals $1,900,000,000 for fiscal year 1992, or equals $13,800,000,000 for fiscal years 1992 through 1996, as the case may be.*

SEC. 3039. PETROLEUM VIOLATION ESCROW ACCOUNT FUNDS.

Notwithstanding any other provision of law, the Federal Transit Administration shall allow petroleum violation escrow account funds spent by the New Jersey Transit Corporation on transit improvements to be applied as credit towards the non-Federal match for any transit project funded under the Federal Transit Act. The New Jersey Transit Corporation shall demonstrate that the use of such a credit does not result in the reduction in non-Federal funding for transit projects within the fiscal year in which the credit is applied.

SEC. 3040. CHARTER SERVICES DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—Notwithstanding any provision of law, the Secretary shall implement regulations, not later than 9 months after the date of the enactment of this Act, in not more than 4 States to permit transit operators to provide charter services for the purposes of meeting the transit needs of government, civic, charitable, and other community activities which otherwise would not be served in a cost effective and efficient manner.

(b) CONSULTATION.—In developing such regulations, the Secretary shall consult with a board that is equally represented by public transit operators and privately owned charter services.

(c) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing an evaluation of the effectiveness of the demonstration program regulations established under this section and make recommendations to improve current charter service regulations.

SEC. 3041. GAO REPORT ON CHARTER SERVICE REGULATIONS.

The Comptroller General shall submit to the Congress, not later than 12 months after the date of the enactment of this Act, a report evaluating the impact of existing charter service regulations. The report shall—

(1) assess the extent to which the regulations promote or impede the ability of communities to meet the transportation needs of government, civic, and charitable organizations in a cost-effective and efficient manner;

(2) assess the extent to which the regulations promote or impede the ability of communities to carry out economic development activities in a cost-effective and efficient manner;

(3) analyze the extent to which public transit operators and private charter carriers have entered into charter service agreements pursuant to the regulations; and

(4) analyze the extent to which such agreements enable private carriers to profit from the provision of charter service by public transit operators using federally subsidized vehicles.

The report shall also include an assessment of the factors specified in the preceding sentence within the context of not less than 3 communities selected by the Comptroller General.

SEC. 3042. 1993 WORLD UNIVERSITY GAMES.

Notwithstanding any other provision of law, before apportionment under section 9 of the Federal Transit Act of funds provided under section 21(a)(1) of such Act for fiscal year 1993, $4,000,000 of such funds shall be made available to the State of New York or to any public body to which the State further delegates authority, as the designated recipient for the purposes of this section, to carry out projects by contracts with private or public service providers to meet the transportation needs associated with the staging of the 1993 World University Games in the State of New York. Such funds shall be available for any purpose eligible under section 9 of such Act without limitation. The matching requirement for operating assistance under section 9(k)(1) of such Act shall not apply to funds made available under this section.

SEC. 3043. OPERATING ASSISTANCE LIMITATION FOR STATEN ISLAND FERRY.

The limitation of operating assistance which, but for this section, would apply to the Staten Island Ferry for fiscal year 1993 under section 9(k)(2)(A) of the Federal Transit Act shall be increased by $2,700,000.

SEC. 3044. FORGIVENESS OF CERTAIN OUTSTANDING OBLIGATIONS.

Notwithstanding the fifth sentence of section 4(a) of the Federal Transit Act, the outstanding balance on grant agreement number NC-05-0021 made to the Fayetteville Transit Authority, North Carolina, is forgiven.

SEC. 3045. FORGIVENESS OF LOAN REPAYMENT.

Notwithstanding any other provision of law (including any regulation), the outstanding balances on the following loan agreements do not have to be repaid:

(1) Loan agreement number PA-03-9002 made to the Southeastern Pennsylvania Transit Authority.

(2) Loan agreement number PA-03-9003 made to the Southeastern Pennsylvania Transit Authority.

SEC. 3046. MODIFIED BUS SERVICE TO ACCOMMODATE THE NEEDS OF STUDENTS.

Nothing in the Federal Transit Act, including the regulations issued to carry out such Act, shall be construed to prohibit the use of buses acquired or operated with Federal assistance under such Act to provide tripper bus service in New York City, New York, to accommodate the needs of students, if such buses carry normal designations and clear markings that such buses are open to the general public. For the purposes of this section, the term "tripper bus service" shall have the meaning such term has on the date of the enactment of this Act in regulations issued pursuant to the Federal Transit Act and shall include the service provided by express buses operating along regular routes and as indicated in published route schedules.

SEC. 3047. ELIGIBILITY DETERMINATIONS FOR DISABILITY.

(a) Study.—The Secretary shall conduct a study of procedures for determining disability for the purpose of obtaining off peak reduced fares under section 5(m) of the Federal Transit Act. The study

should review different requirements, degree of uniformity, and degree of reciprocity between transit systems.

(b) R*EPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall report to Congress on the results of the study conducted under this section.*

SEC. 3048. MILWAUKEE ALTERNATIVES ANALYSIS APPROVAL.

No later than January 15, 1992, the Secretary shall enter into an agreement with the Wisconsin Department of Transportation giving approval to undertake an alternatives analysis for the East-West Central Milwaukee Corridor. The alternatives analysis shall be funded entirely from non-Federal sources.

TITLE IV—MOTOR CARRIER ACT OF 1991

SEC. 4001. SHORT TITLE.

This title may be cited as the "Motor Carrier Act of 1991".

SEC. 4002. MOTOR CARRIER SAFETY GRANT PROGRAM AMENDMENTS.

(a) C*ONTENTS OF* S*TATE* P*LANS.—Section 402(b)(1) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2302(b)(1)) is amended—*

(1) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) provides a right of entry and inspection to carry out the plan and provides that the State will grant maximum reciprocity for inspections conducted pursuant to the North American Inspection Standard, through the use of a nationally accepted system allowing ready identification of previously inspected commercial motor vehicles;";

(2) by striking "and" at the end of subparagraph (F);

(3) by striking the period of subparagraph (G) and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(H) ensures that activities described in paragraphs (1), (2), and (3) of subsection (e) if funded with grants under this section will not diminish the effectiveness of development and implementation of commercial motor vehicle safety programs described in subsection (a);

"(I) ensures that fines imposed and collected by the State for violations of commercial motor vehicle safety regulations will be reasonable and appropriate and provides that, to the maximum extent practicable, the State will seek to implement into law and practice the recommended fine schedule published by the Commercial Vehicle Safety Alliance;

"(J) ensures that such State agency will coordinate the plan prepared under this section with the State highway safety plan under section 402 of title 23. United States Code;

"(K) ensures participation by the 48 contiguous States in SAFETYNET by January 1, 1994;

"(L) gives satisfactory assurances that the State will undertake efforts that will emphasize and improve enforce-

ment of State and local traffic safety laws and regulations pertaining to commercial motor vehicle safety;

"(M) gives satisfactory assurances that the State will promote activities—

"(i) to remove impaired commercial motor vehicle drivers from our Nation's highways through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

"(ii) to provide an appropriate level of training to its motor carrier safety assistance program officers and employees on the recognition of drivers impaired by alcohol or controlled substances;

"(iii) to promote enforcement of the requirements relating to the licensing of commercial motor vehicle drivers, especially including the checking of the status of commercial drivers' licenses; and

"(iv) to improve enforcement of hazardous materials transportation regulations by encouraging more inspections of shipper facilities affecting highway transportation and more comprehensive inspections of the loads of commercial motor vehicles transporting hazardous materials; and

"(N) give satisfactory assurance that the State will promote—

"(i) effective interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out such interdiction activities; and

"(ii) effective use of trained and qualified officers and employees of political subdivisions and local governments, under the supervision and direction of the State motor vehicle safety agency, in the enforcement of regulations affecting commercial motor vehicle safety and hazardous materials transportation safety.".

(b) MAINTENANCE OF EFFORT.—Section 402(d) of such Act is amended—

(1) by inserting "and for enforcement of commercial motor vehicle size and weight limitations, for drug interdiction, and for enforcement of State traffic safety laws and regulations described in subsection (e)" after "programs";

(2) by striking "two" and inserting "3";

(3) by striking "this section" the second place it appears and inserting "the Intermodal Surface Transportation Efficiency Act of 1991"; and

(4) by adding at the end the following new sentence: "In estimating such average level, the Secretary may allow the State to exclude State expenditures for federally sponsored demonstration or pilot programs and shall require the State to exclude Federal funds and State matching funds used to receive Federal funding under this section.".

(c) Use of Grant Funds for Enforcement of Certain Other Laws.—Section 402 of such Act is amended by adding at the end the following new subsection:

"(e) Use of Grant Funds for Enforcement of Certain Other Laws.—A State may use funds received under a grant under this section—

"(1) for enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific geographical locations (such as steep grades or mountainous terrains) where the weight of a commercial motor vehicle can significantly affect the safe operation of such vehicle, or at seaports where intermodal shipping containers enter and exit the United States;

"(2) for detecting the unlawful presence of a controlled substance (as defined under section 102 of the Controlled Substances Act (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of such a vehicle; and

"(3) for enforcement of State traffic laws and regulations designed to promote safe operation of commercial motor vehicles;

if such activities are carried out in conjunction with an appropriate type of inspection of the commercial motor vehicle for enforcement of Federal or State commercial motor vehicle safety regulations.".

(d) Federal Share.—Section 403 of such Act (49 U.S.C. App. 2303) is amended by inserting after the first sentence the following new sentence: "In determining such costs incurred by the State, the Secretary shall include in-kind contributions by the State.".

(e) Authorization of Appropriations.—Section 404 of such Act (49 U.S.C. App. 2304) is amended—

(1) in subsection (a)(2) by striking "and" before "$60,000,000" and inserting a comma; and

(2) by striking the period at the end of subsection (a)(2) and inserting ", $65,000,000 for fiscal year 1992, $76,000,000 for fiscal year 1993, $80,000,000 for fiscal year 1994, $83,000,000 for fiscal year 1995, $85,000,000 for fiscal year 1996, and $90,000,000 for fiscal year 1997.".

(f) Availability, Release, and Reallocation of Funds.—Section 404(c) of such Act is amended to read as follows:

"(c) Availability, Release, and Reallocation of Funds.—Funds made available by this section shall remain available for obligation by the Secretary until expended. Allocations to a State shall remain available for expenditure in that State for the fiscal year in which they are allocated and 1 succeeding fiscal year. Funds not expended by a State during those 2 fiscal years shall be released to the Secretary for reallocation. Funds made available under this part which, as of October 1, 1992, were not obligated shall be available for reallocation and obligation under this subsection.".

(g) Allocations.—Section 404(f) of such Act is amended to read as follows:

"(f) Administrative Expenses; Allocation Criteria.—

"(1) Deduction for administrative expenses.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary may deduct, for administration of this section for

that fiscal year, not to exceed 1.25 percent of the funds made available for that fiscal year by subsection (a)(2). At least 75 percent of the funds so deducted for administration shall be used for the training of non-Federal employees, and the development of related training materials, to carry out the purposes of section 402.

"(2) ALLOCATION CRITERIA.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary, after making the deduction authorized by paragraph (1), shall allocate, among the States with plans approved under section 402, the available funds for that fiscal year, pursuant to criteria established by the Secretary; except that the Secretary, in allocating funds available for research, development, and demonstration under subsection (g)(5) and for public education under subsection (g)(6), may designate specific eligible States among which to allocate such funds.".

(h) FUNDING FOR SPECIFIED PROGRAMS.—Section 404 of such Act is further amended by adding at the end of such section the following new subsection:

"(g) FUNDING FOR SPECIFIED PROGRAMS.—

"(1) TRAINING OF HAZMAT INSPECTORS.—The Secretary shall obligate from funds made available by subsection (a)(2) for each fiscal year beginning after September 30, 1992, not less than $1,500,000 to make grants to States for training inspectors for enforcement of regulations which are issued by the Secretary and pertain to transportation by commercial motor vehicle of hazardous materials.

"(2) COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM REVIEW.—The Secretary may obligate from funds made available by subsection (a)(2) for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 not to exceed $2,000,000 to carry out section 407 of this title, relating to the commercial motor vehicle information system.

"(3) TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.—The Secretary may obligate from funds made available by subsection (a)(2) for each of fiscal years 1993, 1994, 1995, 1996, and 1997 not to exceed $2,000,000 to carry out section 408 of this title, relating to the truck and bus accident data grant program.

"(4) ENFORCEMENT.—

"(A) TRAFFIC ENFORCEMENT ACTIVITIES.—The Secretary shall obligate from funds made available by subsection (a)(2) for each of fiscal years 1993, 1994, and 1995 not less than $4,250,000 and for each of fiscal years 1996 and 1997 not less than $5,000,000 for traffic enforcement activities with respect to commercial motor vehicle drivers which are carried out in conjunction with an appropriate inspection of a commercial motor vehicle for compliance with Federal or State commercial motor vehicle safety regulations.

"(B) LICENSING REQUIREMENTS.—The Secretary shall obligate from the funds made available by subsection (a)(2) not less than $1,000,000 for each of fiscal years 1993, 1994, and 1995 to increase enforcement of the licensing requirements of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2701 App. et seq.) by motor carrier safety assist-

ance program officers and employees, including the cost of purchasing equipment for and conducting inspections to check the current status of licenses issued pursuant to such Act.

"(5) Research and development.—The Secretary shall obligate from funds made available by subsection (a)(2) not less than $500,000 for any fiscal year for research, development, and demonstration of technologies, methodologies, analyses, or information systems designed to promote the purposes of section 402 and which are beneficial to all jurisdictions. Such funds shall be announced publicly and awarded competitively, whenever practicable, to any of the eligible States for up to 100 percent of the State costs, or to other persons as determined by the Secretary.

"(6) Public education.—The Secretary shall obligate from funds made available by subsection (a)(2) for any fiscal year not less than $350,000 to educate the motoring public on how to share the road safely with commercial motor vehicles. In carrying out such education activities, the States shall consult with appropriate industry representatives.".

(i) Payments to States.—Section 404 of such Act is further amended by adding at the end the following new subsection:

"(h) Payments to States.—The Secretary shall make payments to a State of costs incurred by it under this section and section 402, as reflected by vouchers submitted by the State. Payments shall not exceed the Federal share of costs incurred as of the date of the vouchers.".

(j) Motor Carrier Safety Functions.—There is authorized to be appropriated for the motor carrier safety functions of the Federal Highway Administration $49,317,000 for fiscal year 1992.

(k) New Formula for Allocation of Funds.—Not later than 6 months after the date of the enactment of this Act, the Secretary, by regulation, shall develop an improved formula and processes for the allocation among eligible States of the funds made available under the motor carrier safety assistance program. In conducting such a revision, the Secretary shall take into account ways to provide incentives to States that demonstrate innovative, successful, cost-efficient, or cost-effective programs to promote commercial motor vehicle safety and hazardous materials transportation safety. In particular, the Secretary shall place special emphasis on incentives to States that conduct traffic safety enforcement activities that are coupled with motor carrier safety inspections. In improving the formula, the Secretary shall also take into account ways to provide incentives to States that increase compatibility of State commercial motor vehicle safety and hazardous materials transportation regulations with the Federal safety regulations and promote other factors intended to promote effectiveness and efficiency that the Secretary determines appropriate.

(l) Intrastate Compatibility.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall issue final regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety law and regulations with the Federal motor carrier safety regulations under the motor carrier safety assistance program. Such guidelines

and standards shall, to the extent practicable, allow for maximum flexibility while ensuring the degree of uniformity that will not diminish transportation safety. In the review of State plans and the allocation or granting of funds under section 153 of title 23, United States Code, as added by this Act, the Secretary shall ensure that such guidelines and standards are applied uniformly.

SEC. 4003. COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM.

Part A of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301–2305) is amended by adding at the end the following new section:

"SEC. 407. COMMERCIAL VEHICLE INFORMATION SYSTEM PROGRAM.

"(a) INFORMATION SYSTEM.—

"(1) REGISTRATION SYSTEMS REVIEW.—Not later than 1 year after the effective date of this section, the Secretary, in cooperation with the States, shall conduct a review of State motor vehicle registration systems pertaining to license tags for commercial motor vehicles in order to determine whether or not such systems could be utilized in carrying out this section.

"(2) ESTABLISHMENT.—The Secretary, in cooperation with the States, may establish, as part of the motor carrier safety information network system of the Department of Transportation and similar State systems, an information system which will serve as a clearinghouse and depository of information pertaining to State registration and licensing of commercial motor vehicles and the safety fitness of the registrants of such vehicles.

"(3) OPERATION.—Operation of the information system established under paragraph (2) shall be paid for by a system of user fees. The Secretary may authorize the operation of the information system by contract, through an agreement with a State or States, or by designating, after consultation with the States, a third party which represents the interests of the States.

"(4) DATA COLLECTION AND REPORTING STANDARDS.—The Secretary shall establish standards to ensure uniform data collection and reporting by all States necessary to carry out this section and to ensure the availability and reliability of the information to the States and the Secretary from the information system established under paragraph (2).

"(5) TYPE OF INFORMATION.—As part of the information system established under paragraph (2), the Secretary shall include information on the safety fitness of the registrant of the commercial motor vehicle and such other information as the Secretary considers appropriate, including data on vehicle inspections and out-of-service orders.

"(b) DEMONSTRATION PROJECT.—The Secretary shall make grants to States to carry out a project to demonstrate methods of establishing an information system which will link the motor carrier safety information network system of the Department of Transportation and similar State systems with the motor vehicle registration and licensing systems of the States. The purposes of the project shall be—

"(1) to allow a State when issuing license plates for a commercial motor vehicle to determine through use of the informa-

tion system the safety fitness of the person seeking to register the vehicle; and

"(2) to determine the types of sanctions which may be imposed on the registrant, or the types of conditions or limitations which may be imposed on the operations of the registrant, to ensure the safety fitness of the registrant.

"(c) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

"(d) REPORT.—Not later than January 1, 1995, the Secretary shall prepare and submit to Congress a report assessing the cost and benefits and feasibility of the information system established under this section and, if the Secretary determines that such system would be beneficial on a nationwide basis, including recommendations on legislation for the nationwide implementation of such system.

"(e) FUNDING.—Funds necessary to carry out this section may be made available by the Secretary as provided in section 404(g)(2) of this title.

"(f) COMMERCIAL MOTOR VEHICLE DEFINED.—For purposes of this section, the term 'commercial motor vehicle' means any self-propelled or towed vehicle used on highways in intrastate or interstate commerce to transport passengers or property—

"(1) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

"(2) if such vehicle is designed to transport more than 15 passengers, including the driver; or

"(3) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 et seq.) and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act.".

SEC. 4004. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.

Part A of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301-2305) is further amended by adding at the end the following new section:

"SEC. 408. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary shall make grants to States which agree to adopt or have adopted the recommendations of the National Governors' Association with respect to police accident reports for truck and bus accidents.

"(b) GRANT PURPOSES.—Grants may only be made under this section for assisting States in the implementation of the recommendations referred to in subsection (a), including—

"(1) assisting States in designing appropriate forms;

"(2) drafting instruction manuals;

"(3) training appropriate State and local officers, including training on accident investigation techniques to determine the probable cause of accidents;

"(4) analyzing and evaluating safety data so as to develop, if necessary, recommended changes to existing safety programs that more effectively would address the causes of truck and bus accidents; and

"(5) such other activities as the Secretary determines are appropriate to carry out the objectives of this section.

"(c) Coordination.—The Secretary shall coordinate grants made under this section with the highway safety programs being carried out under section 402 of title 23, United States Code, and may require that the data from the reports described in subsection (a) be included in the reports made to the Secretary under the uniform data collection and reporting program carried out under such section.

"(d) Funding.—Funds necessary to carry out this section may be made available by the Secretary as provided in section 404(g)(3) of this title.".

SEC. 4005. SINGLE STATE REGISTRATION SYSTEM.

Section 11506 of title 49, United States Code, is amended to read as follows:

"§11506. Registration of motor carriers by a State

"(a) Definitions.—In this section, the terms 'standards' and 'amendments to standards' mean the specification of forms and procedures required by regulations of the Interstate Commerce Commission to prove the lawfulness of transportation by motor carrier referred to in section 10521(a) (1) and (2) of this title.

"(b) General Rule.—The requirement of a State that a motor carrier, providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and providing transportation in that State, register the certificate or permit issued to the carrier under section 10922 or 10923 of this title is not an unreasonable burden on transportation referred to in section 10521(a) (1) and (2) of this title when the registration is completed under standards of the Commission under subsection (c) of this section. When a State registration requirement imposes obligations in excess of the standards, the part in excess is an unreasonable burden.

"(c) Single State Registration System.—

"(1) In general.—Not later than 18 months after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991, the Commission shall prescribe amendments to the standards existing as of such date of enactment. Such amendments shall implement a system under which—

"(A) a motor carrier is required to register annually with only one State;

"(B) the State of registration shall fully comply with standards prescribed under this section; and

"(C) such single State registration shall be deemed to satisfy the registration requirements of all other States.

"(2) Specific requirements.—

"(A) Evidence of certificate; proof of insurance; payment of fees.—Under the amended standards implementing the single State registration system described in paragraph (1) of this subsection, only a State acting in its capacity as registration State under such single State system may require a motor carrier holding a certificate or permit issued under this subtitle—

"(i) to file and maintain evidence of such certificate or permit;

"(ii) to file satisfactory proof of required insurance or qualification as a self-insurer;

"(iii) to pay directly to such State fee amounts in accordance with the fee system established under subparagraph (B)(iv) of this paragraph, subject to allocation of fee revenues among all States in which the carrier operates and which participate in the single State registration system; and

"(iv) to file the name of a local agent for service of process.

"(B) Receipts; fee system.—Such amended standards—

"(i) shall require that the registration State issue a receipt, in a form prescribed under the amended standards, reflecting that the carrier has filed proof of insurance as provided under subparagraph (A)(ii) of this paragraph and has paid fee amounts in accordance with the fee system established under clause (iv) of this subparagraph;

"(ii) shall require that copies of the receipt issued under clause (i) of this subparagraph be kept in each of the carrier's commercial motor vehicles;

"(iii) shall not require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by the carrier;

"(iv) shall establish a fee system for the filing of proof of insurance as provided under subparagraph (A)(ii) of this paragraph that (I) will be based on the number of commercial motor vehicles the carrier operates in a State and on the number of States in which the carrier operates, (II) will minimize the costs of complying with the registration system, and (III) will result in a fee for each participating State that is equal to the fee, not to exceed $10 per vehicle, that such State collected or charged as of November 15, 1991; and

"(v) shall not authorize the charging or collection of any fee for filing and maintaining a certificate or permit under subparagraph (A)(i) of this paragraph.

"(C) Prohibited fees.—The charging or collection of any fee under this section that is not in accordance with the fee system established under subparagraph (B)(iv) of this paragraph shall be deemed to be a burden on interstate commerce.

"(D) Limitation on participation by states.—Only a State which, as of January 1, 1991, charged or collected a fee for a vehicle identification stamp or number under part 1023 of title 49, Code of Federal Regulations, shall be eligible to participate as a registration State under this subsection or to receive any fee revenue under this subsection.

"(3) Effective date of amendments.—Amendments prescribed under this subsection shall take effect by January 1, 1994.

"(d) Interpretation Authority of Commission.—This section does not affect the authority of the Commission to interpret its regu-

lations and certificates and permits issued under section 10922 or 10923 of this title.".

SEC. 4006. VEHICLE LENGTH RESTRICTION.

(a) CARGO CARRYING UNIT LIMITATION.—Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311) is amended by adding at the end the following new subsection:

"(j) CARGO CARRYING UNIT LIMITATION.—

"(1) IN GENERAL.—No State shall allow by statute, regulation, permit, or any other means the operation on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid primary system highways as designated by the Secretary pursuant to subsection (e) of this section, of any commercial motor vehicle combination (except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws) with 2 or more cargo carrying units (not including the truck tractor) whose cargo carrying units exceed—

"(A) the maximum combination trailer, semitrailer, or other type of length limitation authorized by statute or regulation of that State on or before June 1, 1991; or

"(B) the length of the cargo carrying units of those commercial motor vehicle combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State on or before June 1, 1991.

"(2) WYOMING, OHIO, AND ALASKA.—

"(A) WYOMING.—In addition to those vehicles allowed under paragraphs (1)(A) and (1)(B), the State of Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by State law not later than November 3, 1992, if such vehicle configurations comply with the single axle, tandem axle, and bridge formula limits set forth in section 127(a) of title 23, United States Code, and do not exceed 117,000 pounds gross vehicle weight.

"(B) OHIO.—In addition to vehicles which the State of Ohio may continue to allow to be operated under paragraphs (1)(A) and (1)(B), such State may allow commercial motor vehicle combinations with 3 cargo carrying units of 28 1/2 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at and is south of exit 16 of the Ohio Turnpike.

"(C) ALASKA.—In addition to vehicles which the State of Alaska may continue to allow to be operated under paragraphs (1)(A) and (1)(B), such State may allow operation of commercial motor vehicle combinations which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991.

"(3) MEASUREMENT OF LENGTH.—For purposes of this subsection, the length of the cargo carrying units of a commercial

motor vehicle combination is the length measured from the front of the first cargo carrying unit to the rear of the last cargo carrying unit.

"(4) Limitations.—Commercial motor vehicle combinations whose operations in a State are not prohibited under paragraphs (1) and (2) of this subsection may continue to operate in such State on the highways described in paragraph (1) only if in compliance with, at the minimum, all State statutes, regulations, limitations, and conditions, including but not limited to routing-specific and configuration-specific designations and all other restrictions in force in such State on June 1, 1991; except that subject to such regulations as may be issued by the Secretary, pursuant to paragraph (8) of this subsection, the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991, for specific safety purposes and road construction. Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of any commercial motor vehicle combination subject to this subsection, except that such restrictions or prohibitions shall be consistent with the requirements of this section and of section 412 and section 416 (a) and (b) of this Act. Any State further restricting or prohibiting the operations of commercial motor vehicle combinations or making such minor adjustments of a temporary and emergency nature as may be allowed pursuant to regulations issued by the Secretary pursuant to paragraph (8) of this subsection shall advise the Secretary within 30 days after such action and the Secretary shall publish a notice of such action in the Federal Register.

"(5) List of State length limitations.—

"(A) Submission to Secretary.—Within 60 days after the date of the enactment of this subsection, each State shall submit to the Secretary for publication a complete list of State length limitations applicable to commercial motor vehicle combinations operating in each State on the highways described in paragraph (1). The list shall indicate the applicable State statutes and regulations associated with such length limitations. If a State does not submit information as required, the Secretary shall complete and file such information for such State.

"(B) Interim list.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall publish an interim list in the Federal Register, consisting of all information submitted pursuant to subparagraph (A). The Secretary shall review for accuracy all information submitted by the States pursuant to subparagraph (A) and shall solicit and consider public comment on the accuracy of all such information.

"(C) Limitation.—No statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in

actual operation on a regular or periodic basis on or before June 1, 1991.

"(D) Final list.—Except as modified pursuant to subparagraph (B) or (E) of this subsection, the list shall be published as final in the Federal Register not later than 180 days after the date of the enactment of this subsection. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under subparagraph (B). After publication of the final list, commercial motor vehicle combinations prohibited under paragraph (1) may not operate on the National System of Interstate and Defense Highways and other Federal-aid primary system highways as designated by the Secretary except as published on the list. The list may be combined by the Secretary with the list required under section 127(d) of title 23, United States Code.

"(E) Review and correction procedure.—The Secretary, on his or her own motion or upon a request by any person (including a State), shall review the list issued by the Secretary pursuant to subparagraph (D). If the Secretary determines there is cause to believe that a mistake was made in the accuracy of the final list, the Secretary shall commence a proceeding to determine whether the list published pursuant to subparagraph (D) should be corrected. If the Secretary determines that there is a mistake in the accuracy of the list, the Secretary shall correct the publication under subparagraph (D) to reflect the determination of the Secretary.

"(6) Limitations on statutory construction.—Nothing in this subsection shall be construed to—

"(A) allow the operation on any segment of the National System of Interstate and Defense Highways of any longer combination vehicle prohibited under section 127(d) of title 23, United States Code;

"(B) affect in any way the operation of commercial motor vehicles having only 1 cargo carrying unit; or

"(C) affect in any way the operation in a State of commercial motor vehicles with 2 or more cargo carrying units if such vehicles were in actual operation on a regular or periodic basis (including seasonal operation) in that State on or before June 1, 1991, authorized under State statute, regulation, or lawful State permit.

"(7) Cargo carrying unit defined.—As used in this subsection, 'cargo carrying unit' means any portion of a commercial motor vehicle combination (other than the truck tractor) used for the carrying of cargo, including a trailer, semitrailer, or the cargo carrying section of a single unit truck.

"(8) Regulations regarding minor adjustments.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall issue regulations establishing criteria for the States to follow in making minor adjustments under paragraph (4).

"(9) Regulations for defining noneasily dismantled or divided loads.—For the purposes of this subsection only, the

Secretary shall define by regulation loads which cannot be easily dismantled or divided.".

(b) APPLICABILITY TO BUSES.—

(1) GENERAL RULE.—Section 411(a) of such Act is amended by inserting "of less than 45 feet on the length of any bus," after "vehicle length limitation".

(2) ACCESS TO POINTS OF LOADING AND UNLOADING.—Section 412(a)(2) of such Act is amended by inserting ", motor carrier of passengers," after "household goods carriers".

(c) CONFORMING AMENDMENT.—Section 411(e)(1) of such Act is amended by striking "those Primary System highways" and inserting "those highways of the Federal-aid primary system in existence on June 1, 1991,".

SEC. 4007. TRAINING OF DRIVERS; LONGER COMBINATION VEHICLE REGULATIONS, STUDIES, AND TESTING.

(a) ENTRY LEVEL.—

(1) STUDY OF PRIVATE SECTOR.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall report to Congress on the effectiveness of the efforts of the private sector to ensure adequate training of entry level drivers of commercial motor vehicles. In preparing the report, the Secretary shall solicit the views of interested persons.

(2) RULEMAKING PROCEEDING.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall commence a rulemaking proceeding on the need to require training of all entry level drivers of commercial motor vehicles. Such rulemaking proceeding shall be completed not later than 24 months after the date of such enactment.

(3) FOLLOWUP STUDY.—If the Secretary determines under the proceeding conducted under paragraph (2) that it is not in the public interest to issue a rule that requires training for all entry level drivers, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 25 months after the date of the enactment of this Act a report on the reasons for such decision, together with the results of a cost benefit analysis which the Secretary shall conduct with respect to such proceeding.

(b) LCVs TRAINING REQUIREMENTS.—

(1) INITIATION OF RULEMAKING PROCEEDING.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum training requirements for operators of longer combination vehicles. This training shall include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary.

(2) FINAL RULE.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall issue a final regulation establishing minimum training requirements for operators of longer combination vehicles.

(c) SAFETY CHARACTERISTICS.—

(1) STUDY.—The Comptroller General shall conduct a study of the safety of longer combination vehicles for the purpose of com-

paring the safety characteristics and performance, including engineering and design safety characteristics, of such vehicles to other truck-trailer combination vehicles and for the purpose of reviewing the history and effectiveness of State safety enforcement pertaining to such vehicles for those States in which such vehicles are permitted to operate. Such study shall include an assessment of each of the following:

(A) The adequacy of currently available data bases for the purpose of determining the safety of longer combination vehicles and recommending safety improvements.

(B) Whether or not such States are actively monitoring the safety of such operations.

(C) The best available information on the safety of such operations.

(D) Enforcement actions which have been taken in such States to ensure the safety of such operations.

(E) Current procedures and controls used by such States to ensure the safety of operation of such vehicles.

(F) Whether or not any special inspections of equipment maintenance is required to improve the safety of such operations.

(G) The economic and safety impact of longer combination vehicles on shared highways.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit a report on the results of the study conducted under paragraph (1) to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(d) OPERATIONS OF LONGER COMBINATION VEHICLES.—

(1) TESTS.—The Secretary shall conduct on the road tests with respect to the driver and vehicle characteristics of operations of longer combination vehicles for the purpose of determining whether or not any modifications are necessary to the Federal commercial motor vehicle safety standards of the Department of Transportation as they apply to longer combination vehicles. At a minimum, such tests shall examine driver fatigue and stress and time of operation characteristics. Such tests also shall examine the characteristics of longer combination vehicles, including an assessment of on board computers, anti-lock brakes, and anti-trailer under ride systems to determine the potential safety effectiveness of those technologies as applied to such vehicles.

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit a report on the results of the tests conducted under paragraph (1) to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(e) FUNDING.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $1,000,000 per fiscal year for each of fiscal

years 1992, 1993, and 1994. Such sums shall remain available until expended.

(f) LONGER COMBINATION VEHICLE DEFINED.—*For the purposes of this section, the term "longer combination vehicle" means any combination of a truck tractor and 2 or more trailers or semitrailers which operate on the National System of Interstate and Defense Highways with a gross vehicle weight greater than 80,000 pounds.*

SEC. 4008. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

(a) WORKING GROUP.—*Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a working group comprised of State and local government officials, including representatives of the National Governors' Association, the American Association of Motor Vehicle Administrators, the National Conference of State Legislatures, the Federation of Tax Administrators, the Board of Directors for the International Fuel Tax Agreement, and a representative of the Regional Fuel Tax Agreement, for the purpose of—*

(1) proposing procedures for resolving disputes among States participating in the International Registration Plan and among States participating in the International Fuel Tax Agreement including designation of the Department of Transportation or any other person for resolving such disputes; and

(2) providing technical assistance to States participating or seeking to participate in the Plan or in the Agreement.

(b) CONSULTATION REQUIREMENT.—*The working group established under this section shall consult with members of the motor carrier industry in carrying out subsection (a).*

(c) REPORTS.—*Not later than 24 months after the date of the enactment of this Act, the working group established under this section shall transmit a report to the Secretary, to the Committee on Commerce, Science, and Transportation of the Senate, to the Committee on Public Works and Transportation and the Committee on the Judiciary of the House of Representatives, to those States participating in the International Registration Plan, and to those States participating in the International Fuel Tax Agreement. The report shall contain a detailed statement of the findings and conclusions of the working group, together with its joint recommendations concerning the matters referred to in subsection (a). After transmission of such report, the working group may periodically review and modify the findings and conclusions and the joint recommendations as appropriate and transmit a report containing such modifications to the Secretary and such committees.*

(d) APPLICABILITY OF ADVISORY COMMITTEE ACT.—*The working group established under this section shall not be subject to the Federal Advisory Committee Act.*

(e) GRANTS.—

(1) IN GENERAL.—*The Secretary may make grants to States and appropriate persons for the purpose of facilitating participation in the International Registration Plan and participation in the International Fuel Tax Agreement and for the purpose of administrative improvements in any other base State fuel use tax agreement in existence as of January 1, 1991, including*

such purposes as providing technical assistance, personnel training, travel costs, and technology and equipment associated with such participation.

(2) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the grant.

(f) VEHICLE REGISTRATION.—After September 30, 1996, no State (other than a State which is participating in the International Registration Plan) shall establish, maintain, or enforce any commercial motor vehicle registration law, regulation, or agreement which limits the operation of any commercial motor vehicle within its borders which is not registered under the laws of the State if the vehicle is registered under the laws of any other State participating in the International Registration Plan.

(g) FUEL USE TAX.—

(1) REPORTING REQUIREMENTS.—After September 30, 1996, no State shall establish, maintain, or enforce any law or regulation which has fuel use tax reporting requirements (including tax reporting forms) which are not in conformity with the International Fuel Tax Agreement.

(2) PAYMENT.—After September 30, 1996, no State shall establish, maintain, or enforce any law or regulation which provides for the payment of a fuel use tax unless such law or regulation is in conformity with the International Fuel Tax Agreement with respect to collection of such a tax by a single base State and proportional sharing of such taxes charged among the States where a commercial motor vehicle is operated.

(3) LIMITATION.—For purposes of paragraphs (1) and (2), in the event of an amendment to the International Fuel Tax Agreement, conformity by a State that is not participating in such Agreement when such amendment is made may not be required with respect to such amendment until a reasonable time period for such conformity has elapsed, but in no case earlier than—

(A) the expiration of the 365-day period beginning on the first day that the corresponding compliance with such amendment is required of States that are participating in such Agreement; or

(B) the expiration of the 365-day period beginning on the day the relevant office of the State receives written notice of such amendment from the Secretary.

(4) EXCEPTION.—Paragraphs (1), (2), and (3) shall not apply with respect to a State that participates on January 1, 1991, in the Regional Fuel Tax Agreement and that continues to participate after such date in such Agreement.

(h) ENFORCEMENT.—

(1) ACTION.—On the request of the Secretary, the Attorney General may commence, in a court of competent jurisdiction, a civil action for such injunctive relief as may be appropriate to ensure compliance with subsections (f) and (g).

(2) VENUE.—Such action may be commenced only in the State in which relief is required to ensure such compliance.

(3) Relief.—Subject to section 1341 of title 28, United States Code, such court, upon a proper showing—

(A) shall issue a temporary restraining order or a preliminary or permanent injunction; and

(B) may require in such injunction that the State or any person comply with such subsections.

(i) Limitations on Statutory Construction.—Nothing in subsections (f) and (g) shall be construed as limiting the amount of money a State may charge for registration of a commercial motor vehicle or the amount of any fuel use tax a State may impose.

(j) Funding.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 1992 $1,000,000 for funding the activities of the working group under this section and $5,000,000 for making grants under subsection (e). Amounts authorized by the preceding sentence shall be subject to the obligation limitation established by section 102 of this Act for fiscal year 1992. From sums made available under section 404 of the Surface Transportation Assistance Act of 1982, the Secretary shall provide for each of fiscal years 1993 through 1997 $1,000,000 for funding the activities of the working group under this section and $5,000,000 for making grants under subsection (e). Such sums shall remain available until expended.

(k) Definitions.—In this section, the following definitions apply:

(1) Commercial motor vehicle.—The term "commercial motor vehicle"—

(A) as used with respect to the International Registration Plan, has the meaning the term "apportionable vehicle" has under such plan; and

(B) as used with respect to the International Fuel Tax Agreement, has the meaning the term "qualified motor vehicle" has under such agreement.

(2) Fuel use tax.—The term "fuel use tax" means a tax imposed on or measured by the consumption of fuel in a motor vehicle.

(3) International fuel tax agreement.—The term "International Fuel Tax Agreement" means the interstate agreement for the collection and distribution of fuel use taxes paid by motor carriers, developed under the auspices of the National Governors' Association.

(4) International registration plan.—The term "International Registration Plan" means the interstate agreement for the apportionment of vehicle registration fees paid by motor carriers, developed by the American Association of Motor Vehicle Administrators.

(5) Regional fuel tax agreement.—The term "Regional Fuel Tax Agreement" means the interstate agreement for the collection and distribution of fuel use taxes paid by motor carriers in the States of Maine, Vermont, and New Hampshire.

(6) State.—The term "State" means the 48 contiguous States and the District of Columbia.

SEC. 4009. VIOLATIONS OF OUT-OF-SERVICE ORDERS.

(a) Federal Regulations.—The Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2701–2716) is amended by adding at the end the following new section:

"SEC. 12020. VIOLATION OF OUT-OF-SERVICE ORDERS.

"(a) Regulations.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations of out-of-service orders by persons operating commercial motor vehicles.

"(b) Minimum Requirements.—Regulations issued under subsection (a) shall, at a minimum, require that—

"(1) any operator of a commercial motor vehicle who is found to have committed a first violation of an out-of-service order shall be disqualified from operating such a vehicle for a period of not less than 90 days and shall be subject to a civil penalty of not less than $1,000;

"(2) any operator of a commercial motor vehicle who is found to have committed a second violation of an out-of-service order shall be disqualified from operating such a vehicle for a period of not less than 1 year and not more than 5 years and shall be subject to a civil penalty of not less than $1,000; and

"(3) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall be subject to a civil penalty of not more than $10,000.

"(c) Deadlines.—The regulations required under subsection (a) shall be developed pursuant to a rulemaking proceeding initiated within 60 days after the date of the enactment of this section and shall be issued not later than 12 months after such date of enactment.".

(b) State Regulations.—Section 12009(a)(21) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2708(a)(21)) is amended by inserting "and section 12020(a)" before the period at the end.

SEC. 4010. EXEMPTION OF CUSTOM HARVESTING FARM MACHINERY.

Section 12019(5) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716(5)), relating to the definition of motor vehicle, is amended by inserting "or custom harvesting farm machinery" before the period at the end.

SEC. 4011. COMMON CARRIERS PROVIDING TRANSPORTATION FOR CHARITABLE PURPOSES.

Section 10723(b) of title 49, United States Code, is amended—

(1) in paragraph (2) by inserting "(other than a motor carrier of passengers)" after "carrier"; and

(2) by adding at the end the following new paragraph:

"(3) In the case of a motor carrier of passengers, that carrier may also establish a rate and related rule equal to the rate charged for the transportation of 1 individual when that rate is for the transportation of—

"(A) a totally blind individual and an accompanying guide or a dog trained to guide the individual;

"(B) a disabled individual and accompanying attendant, or animal trained to assist the individual, or both, when required because of disability; or

"(C) a hearing-impaired individual and a dog trained to assist the individual.".

SEC. 4012. BRAKE PERFORMANCE STANDARDS.

(a) INITIATION OF RULEMAKING.—Not later than May 31, 1992, the Secretary shall initiate rulemaking concerning methods for improving braking performance of new commercial motor vehicles, including truck tractors, trailers, and their dollies. Such rulemaking shall include an examination of antilock systems, means of improving brake compatibility, and methods of ensuring effectiveness of brake timing.

(b) LIMITATION WITH RESPECT TO RULES.—Any rule which the Secretary determines to issue regarding improved braking performance pursuant to the rulemaking initiated under this section shall take into account the need for the rule and, in the case of trailers, shall include articulated vehicles and their manufacturers.

(c) RULEMAKING PROCEDURE.—Any rulemaking under this section shall, consistent with section 229 of the Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2519(b)), be carried out pursuant to, and in accordance with, the National Traffic and Motor Vehicle Safety Act of 1966.

(d) COMPLETION OF RULEMAKING.—The Secretary shall complete the rulemaking within 18 months after its initiation; except that the Secretary may extend that period for an additional 6 months after giving notice in the Federal Register of the need for such an extension. Such extension shall not be reviewable.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Secretary under this Act (or preventing the Secretary) from simultaneously initiating a rulemaking concerning methods for improving brake performance in the case of vehicles, other than new manufactured commercial motor vehicles, and for considering the necessity for effective enforcement of any rule relating to improving such performance as part of the rulemaking proceeding and for considering the reliability, maintainability, and durability of any brake equipment.

(f) COMMERCIAL MOTOR VEHICLE DEFINED.—For purposes of this section only, the term "commercial motor vehicle" means any self-propelled or towed vehicle used on highways to transport passengers or property if such vehicle has a gross vehicle weight rating of 26,001 or more pounds.

SEC. 4013. FHWA POSITIONS.

To help implement the purposes of this title, the Secretary in fiscal year 1992 shall employ and maintain thereafter 2 additional employees in positions at the headquarters of the Federal Highway Administration in excess of the number of employees authorized for fiscal year 1991 for the Federal Highway Administration.

SEC. 4014. COMPLIANCE REVIEW PRIORITY.

If the Secretary identifies a pattern of violations of State or local traffic safety laws or regulations, or commercial motor vehicle safety rules, regulations, standards, or orders, among the drivers of commercial motor vehicles employed by a particular motor carrier, the Secretary or a State representative shall ensure that such motor carrier receives a high priority for review of such carrier's compliance *with applicable Federal and State commercial motor vehicle safety regulations.*

TITLE V—INTERMODAL TRANSPORTATION

SEC. 5001. NATIONAL GOAL TO PROMOTE INTERMODAL TRANSPORTATION.

Section 302 of title 49, United States Code (relating to policy standards for transportation), is further amended by adding at the end the following new subsection:

"(e) INTERMODAL TRANSPORTATION.—It is the policy of the United States Government to encourage and promote development of a national intermodal transportation system in the United States to move people and goods in an energy-efficient manner, provide the foundation for improved productivity growth, strengthen the Nation's ability to compete in the global economy, and obtain the optimum yield from the Nation's transportation resources.".

SEC. 5002. DUTIES OF SECRETARY; OFFICE OF INTERMODALISM.

(a) DUTIES OF SECRETARY.—Section 301 of title 49, United States Code (relating to leadership, consultation and cooperation), is amended by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) coordinate Federal policy on intermodal transportation and initiate policies to promote efficient intermodal transportation in the United States;".

(b) INTERMODAL TRANSPORTATION ADVISORY BOARD.—

(1) ESTABLISHMENT.—There shall be established within the Office of the Secretary an Intermodal Transportation Advisory Board.

(2) MEMBERSHIP.—The Intermodal Transportation Advisory Board shall consist of the Secretary, who shall serve as Chairman, and the Administrator, or his or her designee, of—

(A) the Federal Highway Administration;
(B) the Federal Aviation Administration;
(C) the Maritime Administration;
(D) the Federal Railroad Administration; and
(E) the Federal Transit Administration.

(3) FUNCTIONS.—The Intermodal Transportation Advisory Board shall provide recommendations for carrying out the responsibilities of the Secretary described in section 301(3) of title 49, United States Code.

(c) OFFICE OF INTERMODALISM.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Office of the Secretary an Office of Intermodalism.

(2) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 6 months after the date of the enactment of this Act.

(3) FUNCTION.—The Director shall be responsible for carrying out the responsibilities of the Secretary described in section 301(3) of title 49, United States Code.

(4) INTERMODAL TRANSPORTATION DATA BASE.—The Director shall develop, maintain, and disseminate intermodal transpor-

tation data through the Bureau of Transportation Statistics. The Director shall coordinate the collection of data for the data base with the States and metropolitan planning organizations. The data base shall include—

(A) information on the volume of goods and number of people carried in intermodal transportation by relevant classification;

(B) information on patterns of movement of goods and people carried in intermodal transportation by relevant classification in terms of origin and destination; and

(C) information on public and private investment in intermodal transportation facilities and services.

The Director shall make information from the data base available to the public.

(5) RESEARCH.—The Director shall be responsible for coordinating Federal research on intermodal transportation in accordance with the plan developed pursuant to section 6009(b) of this Act and for carrying out additional research needs identified by the Director.

(6) TECHNICAL ASSISTANCE.—The Director shall provide technical assistance to States and to metropolitan planning organizations for urban areas having a population of 1,000,000 or more in collecting data relating to intermodal transportation in order to facilitate the collection of such data by such States and metropolitan planning organizations.

(7) ADMINISTRATIVE AND CLERICAL SUPPORT.—The Director shall provide administrative and clerical support to the Intermodal Transportation Advisory Board.

SEC. 5003. MODEL INTERMODAL TRANSPORTATION PLANS.

(a) GRANTS.—The Secretary shall make grants to States for the purpose of developing model State intermodal transportation plans which are consistent with the policy set forth in section 302(e) of title 49, United States Code. Such model plans shall include systems for collecting data relating to intermodal transportation.

(b) DISTRIBUTION.—The Secretary shall award grants to States under this section which represent a variety of geographic regions and transportation needs, patterns, and modes.

(c) TRANSMITTAL OF PLANS.—As a condition to receiving a grant under this section, the Secretary shall require that a State provide assurances that the State will transmit to the Secretary a State intermodal transportation plan not later than 18 months after the date of receipt of such grant.

(d) AGGREGATE AMOUNT.—The Secretary shall reserve, from amounts deducted under section 104(a) of title 23, United States Code, $3,000,000 for the purpose of making grants under this section. The aggregate amount which a State may receive in grants under this section shall not exceed $500,000.

SEC. 5004. SURFACE TRANSPORTATION ADMINISTRATION.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Public Administration to continue a study of options for organizing the Department of Transportation to increase the effectiveness of program delivery, reduce costs, and im-

prove intermodal coordination among surface transportation-related agencies.

(b) Report.—The Secretary shall report to Congress on the findings of the study continued under subsection (a) and recommend appropriate organizational changes no later than January 1, 1993. No organizational changes shall be impiemented until such changes are approved by law.

SEC. 5005. NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION.

(a) Establishment.—There is established a National Commission on Intermodal Transportation.

(b) Function.—The Commission shall make a complete investigation and study of intermodal transportation in the United States and internationally. The Commission shall determine the status of intermodal transportation, the problems that exist with respect to intermodal transportation, and the resources needed to enhance intermodal transportation. Based on such investigation and study, the Commission shall recommend those policies which need to be adopted to achieve the national goal of an efficient intermodal transportation system.

(c) Specific Matters To Be Addressed.—The Commission shall specifically investigate and study the following:

(1) Intermodal standardization.—The Commission, in coordination with the National Academy of Sciences, shall examine current and potential impediments to international standardization in specific elements of intermodal transportation. The Commission shall evaluate the potential benefits and relative priority of standardization in each such element and the time period and investment necessary to adopt such standards.

(2) Intermodal impacts on public works infrastructure.—The Commission shall examine current and projected intermodal traffic flows, including the current and projected market for intermodal transportation, and how such traffic flows affect infrastructure needs. The Commission shall make recommendations as to capital needs for infrastructure development that will be required to accommodate intermodal transportation, particularly with respect to surface transportation access to airports and ports.

(3) Legal impediments to efficient intermodal transportation.—The Commission shall identify legal impediments to efficient intermodal transportation. Specifically, the Commission shall study the relationship between current regulatory schemes for individual modes of transportation and intermodal transportation efficiency.

(4) Financial issues.—The Commission shall examine existing impediments to the efficient financing of intermodal transportation improvements. In carrying out such examination, the Commission shall examine (A) the most efficient use of existing sources of funds for connecting individual modes of transportation and for accommodating transfers between such modes, and (B) the use of innovative methods of financing for making such improvements. The Commission shall examine current methods of public funding, the desirability of increased flexibility in the

use of amounts in Federal transportation trust funds, and increased use of private sources of funding.

(5) NEW TECHNOLOGIES.—The Commission shall study new technologies for improving intermodal transportation and problems associated with incorporating these new technologies in intermodal transportation.

(6) DOCUMENTATION.—The Commission shall study problems in documentation resulting from intermodal transfers of freight and make recommendations for achieving uniform, efficient, and simplified documentation.

(7) RESEARCH AND DEVELOPMENT.—The Commission shall identify the areas relating to intermodal transportation for which continued research and development is needed after the report required by this section is completed, and propose an agenda for carrying out such research and development.

(8) PRODUCTIVITY.—The Commission shall examine the relationship of intermodal transportation to transportation rates, transportation costs, and economic productivity.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(A) 3 members appointed by the President.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 2 members appointed by the minority leader of the House of Representatives.

(D) 2 members appointed by the majority leader of the Senate.

(E) 2 members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals interested in intermodal transportation policy, including representatives of Federal, State, and local governments, other public transportation authorities or agencies, and organizations representing transportation providers, shippers, labor, the financial community, and consumers.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(e) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(f) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(g) Administrative Support Services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(h) Obtaining Official Data.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(i) Report and Proposed National Intermodal Transportation Plan.—Not later than September 30, 1993, the Commission shall transmit to Congress a final report on the results of the investigation and study conducted under this section. The report shall include recommendations of the Commission for implementing the policy set forth in section 302(e) of title 49, United States Code, including a proposed national intermodal transportation plan and a proposed agenda for implementing the plan.

(j) Termination.—The Commission shall terminate on the 180th day following the date of transmittal of the report under subsection (i). All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the National Archives.

TITLE VI—RESEARCH

PART A—PROGRAMS, STUDIES, AND ACTIVITIES

SEC. 6001. RESEARCH AND TECHNOLOGY PROGRAM.

Subsections (a), (b), and (c) of section 307 of title 23, United States Code, are amended to read as follows:

"(a) Research and Technology Program.—

"(1) Authority of the secretary.—

"(A) In general.—The Secretary may engage in research, development, and technology transfer activities with respect to motor carrier transportation and all phases of highway planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions) and the effect thereon of State laws and may test, develop, or assist in testing and developing any material, invention, patented article, or process.

"(B) Cooperation, grants, and contracts.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to, and entering into contracts and cooperative agreements with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency,

authority, association, institution, corporation (profit or nonprofit), organization, or person.

"(C) RESEARCH FELLOWSHIPS.—

"(i) GENERAL AUTHORITY.—The Secretary may, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, make grants for research fellowships for any purpose for which research is authorized by this section.

"(ii) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation engineering and research. Such program shall be known as the "Dwight David Eisenhower Transportation Fellowship Program". Of the funds made available pursuant to paragraph (3) for each fiscal year beginning after September 30, 1991, the Secretary shall expend not less than $2,000,000 per fiscal year to carry out such program.

"(2) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—For the purposes of encouraging innovative solutions to highway problems and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any State.

"(B) AGREEMENTS.—In carrying out this paragraph, the Secretary may enter into cooperative research and development agreements, as such term is defined under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(C) FEDERAL SHARE.—The Federal share payable on account of activities carried out under a cooperative research and development agreement entered into under this paragraph shall not exceed 50 percent of the total cost of such activities; except that, if there is substantial public interest or benefit, the Secretary may approve a higher Federal share. All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be treated as part of the non-Federal share of the cost of such activities for purposes of the preceding sentence.

"(D) UTILIZATION OF TECHNOLOGY.—The research, development, or utilization of any technology pursuant to a cooperative research and development agreement entered into under this paragraph, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980.

"(3) FUNDS.—

"(A) In general.—The funds necessary to carry out this subsection and subsections (b), (d), and (e) shall be taken by the Secretary out of administrative funds deducted pursuant to section 104(a) of this title and such funds as may be deposited by any cooperating organization or person in a special account of the Treasury of the United States established for such purposes.

"(B) Minimum expenditures on long-term research projects.—Not less than 15 percent of the funds made available under this paragraph shall be expended on long-term research projects which are unlikely to be completed within 10 years.

"(4) Waiver of advertising requirements.—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements entered into under this section.

"(b) Mandatory Contents of Research Program.—

"(1) Inclusion of certain studies.—The Secretary shall include in the highway research program under subsection (a) studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards. The highway research program shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects.

"(2) SHRP results.—

"(A) Implementation.—The highway research program under subsection (a) shall include a program to implement results of the strategic highway research program carried out under subsection (d) (including results relating to automatic intrusion alarms for street and highway construction work zones) and to continue the long-term pavement performance tests being carried out under such program.

"(B) Minimum funding.—Of amounts deducted under section 104(a) of this title, the Secretary shall expend not less than $12,000,000 in fiscal year 1992, $16,000,000 in fiscal year 1993, and $20,000,000 per fiscal year for each of fiscal years 1994, 1995, 1996, and 1997 to carry out this paragraph.

"(3) Surface transportation system performance indicators.—The highway research program under subsection (a) shall include a coordinated long-term program of research for the development, use, and dissemination of performance indicators to measure the performance of the surface transportation system of the United States, including indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors which reflect the overall performance of such system.

"(4) Short haul passenger transportation systems.—The Secretary shall conduct necessary systems research in order to develop a concept for a lightweight, pneumatic tire multiple-unit, battery-powered system, in conjunction with recharging

stations at strategic locations. The Secretary shall create a potential systems concept and, as part of the surface transportation research and development plan under subsection (b), make recommendations to Congress by January 15, 1993.

"(5) SUPPORTING INFRASTRUCTURE.—The Secretary shall establish a program to strengthen and expand surface transportation infrastructure research and development. The program shall include the following elements:

"(A) Methods and materials for improving the durability of surface transportation infrastructure facilities and extending the life of bridge structures, including new and innovative technologies to reduce corrosion.

"(B) Expansion of the Department of Transportation's inspection and mobile nondestructive examination capabilities, including consideration of the use of high energy field radiography for more thorough and more frequent inspections of bridge structures as well as added support to State highway departments.

"(C) The Secretary shall determine whether or not to initiate a construction equipment research and development program directed toward the reduction of costs associated with the construction of highways and mass transit systems. The Secretary shall transmit to Congress a report containing such determination on or before July 1, 1992.

"(D) The Secretary shall undertake or supervise surface transportation infrastructure research to develop—

"(i) nondestructive evaluation equipment for use with existing infrastructure facilities and for next generation infrastructure facilities that utilize advanced materials;

"(ii) information technologies, including—

"(I) appropriate computer programs to collect and analyze data on the status of the existing infrastructure facilities for enhancing management, growth, and capacity; and

"(II) dynamic simulation models of surface transportation systems for predicting capacity, safety, and infrastructure durability problems, for evaluating planned research projects, and for testing the strengths and weaknesses of proposed revisions in surface transportation operations programs; and

"(iii) new and innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of existing structures.

"(c) STATE PLANNING AND RESEARCH.—

"(1) GENERAL RULE.—2 percent of the sums apportioned for each fiscal year beginning after September 30, 1991, to any State under sections 104 and 144 of this title and for highway projects under section 103(e)(4) of this title shall be available for expenditure by the State highway department, in consultation with the Secretary, only for the following purposes:

"(A) Engineering and economic surveys and investigations.

"(B) The planning of future highway programs and local public transportation systems and for planning for the financing thereof, including statewide planning under section 135 of this title.

"(C) Development and implementation of management systems under section 303 of this title.

"(D) Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.

"(E) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, and maintenance of highway, public transportation, and intermodal transportation systems and study, research, and training on engineering standards and construction materials for such systems, including evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

"(2) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds which are apportioned to a State for a fiscal year and are subject to paragraph (1) shall be expended by the State for research, development, and technology transfer activities described in paragraph (1) relating to highway, public transportation, and intermodal transportation systems unless the State certifies to the Secretary for such fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of such funds and the Secretary accepts such certification.

"(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds which are subject to paragraph (1) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

"(4) ADMINISTRATION OF SUMS.—Funds which are subject to paragraph (1) shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.

SEC. 6002. NATIONAL HIGHWAY INSTITUTE.

Section 321 of title 23, United States Code, is amended to read as follows:

"§ 321. National Highway Institute

"(a) ESTABLISHMENT; DUTIES; PROGRAMS.—

"(1) ESTABLISHMENT.—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute (hereinafter in this section referred to as the 'Institute').

"(2) DUTIES.—The Institute shall develop and administer, in cooperation with the State transportation or highway departments, and any national or international entity, training pro-

grams of instruction for Federal Highway Administration, State and local transportation and highway department employees, State and local police, public safety and motor vehicle employees, and United States citizens and foreign nationals engaged or to be engaged in highway work of interest to the United States. The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other provision of law for the development and conduct of education and training programs relating to highways.

"(3) TYPES OF PROGRAMS.—Programs which the Institute may develop and administer may include courses in modern developments, techniques, management, and procedures relating to highway planning, environmental factors, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance, contract administration, motor carrier activities, and inspection.

"(b) SET-ASIDE; FEDERAL SHARE.—Not to exceed $\frac{1}{16}$ *of 1 percent of all funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State highway department for payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.*

"(c) FEDERAL RESPONSIBILITY.—Education and training of Federal, State, and local highway employees authorized by this section shall be provided—

"(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

"(2) in any case in which education and training are to be paid for under subsection (b), by the State (subject to the approval of the Secretary) through grants and contracts with public and private agencies, institutions, individuals, and the Institute; except that private agencies and individuals shall pay the full cost of any education and training received by them.

"(d) TRAINING FELLOWSHIPS; COOPERATION.—The Institute is authorized, subject to approval of the Secretary, to engage in all phases of contract authority for training purposes authorized by this section, including the granting of training fellowships. The Institute is also authorized to carry out its authority independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), any other national or international entity, or any other person.

"(e) COLLECTION OF FEES.—

"(1) GENERAL RULE.—The Institute may, in accordance with this subsection, assess and collect fees solely to defray the costs of the Institute in developing and administering education and training programs under this section.

"(2) LIMITATION.—Fees may be assessed and collected under this subsection only in a manner which may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount which does not exceed the aggregate

amount of the costs referred to in paragraph (1) for the fiscal year.

"(3) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

"(A) persons and entities for whom education or training programs are developed or administered under this section; and

"(B) persons and entities to whom education or training is provided under this section.

"(4) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner which ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in paragraph (1) which relate to such person or entity.

"(f) FUNDS.—The funds required to carry out this section may be from the sums deducted for administration purposes under section 104(a). The sums provided pursuant to this subsection may be combined or held separate from the fees or memberships collected under subsection (e) and may be administered by the Secretary as a fund which shall be available until expended.

"(g) CONTRACTS.—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements made under the authority of this section.".

SEC. 6003. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

Chapter 3 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 325. International highway transportation outreach program

"(a) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the domestic highway community of technological innovations abroad that could significantly improve highway transportation in the United States, to promote United States highway transportation expertise internationally, and to increase transfers of United States highway transportation technology to foreign countries. Such activities may include—

"(1) development, monitoring, assessment, and dissemination domestically of information about foreign highway transportation innovations that could significantly improve highway transportation in the United States;

"(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

"(3) informing other countries about the technical quality of American highway transportation goods and services through participation in trade shows, seminars, expositions, and other such activities;

"(4) offering those Federal Highway Administration technical services which cannot be readily obtained from the United States private sector to be incorporated into the proposals of United States firms undertaking foreign highway transportation projects if the costs for assistance will be recovered under the terms of each project; and

"(5) conducting studies to assess the need for or feasibility of highway transportation improvements in countries that are not members of the Organization for Economic Cooperation and Development as of the date of the enactment of this section, and in Greece and Turkey.

"(b) COOPERATION.—The Secretary may carry out the authority granted by this section, in cooperation with appropriate United States Government agencies and any State or local agency, authority, association, institution, corporation (profit or nonprofit), foreign government, multinational institution, or any other organization or person.

"(c) FUNDS.—The funds available to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The funds shall be available for promotional materials, travel, reception and representation expenses necessary to carry out the activities authorized by this section. Reimbursements for services provided under this section shall be credited to the appropriation concerned.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by adding at the end the following new item:

"325. International highway transportation outreach program.".

SEC. 6004. EDUCATION AND TRAINING PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following new section:

"§326. Education and training program

"(a) AUTHORITY.—The Secretary is authorized to carry out a transportation assistance program that will provide highway and transportation agencies in (1) urbanized areas of 50,000 to 1,000,000 population, and (2) rural areas, access to modern highway technology.

"(b) GRANTS AND CONTRACTS.—The Secretary may make grants and enter into contracts for education and training, technical assistance, and related support service that will—

"(1) assist rural local transportation agencies to develop and expand their expertise in road and transportation areas (including pavement, bridge and safety management systems), to improve roads and bridges, to enhance programs for the movement of passengers and freight, to deal effectively with special road related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials, and developing a tourism and recreational travel technical assistance program;

"(2) identify, package, and deliver usable highway technology to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with road related problems; and

"(3) establish, in cooperation with State transportation or highway departments and universities (A) urban technical assistance program centers in States with 2 or more urbanized areas of 50,000 to 1,000,000 population, and (B) rural technical assistance program centers.

Not less than 2 centers under paragraph (3) shall be designated to provide transportation assistance that may include, but is not necessarily limited to, a 'circuit-rider' program, providing training on intergovernmental transportation planning and project selection, and tourism recreational travel to American Indian tribal governments.

"(c) FUNDS.—The funds required to carry out the provisions of this section shall be taken out of administrative funds deducted under section 104(a). The sum of $6,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 shall be set aside from such administrative funds for the purpose of providing technical and financial support for these centers, including up to 100 percent for services provided to American Indian tribal governments.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by adding at the end the following new item:

"326. Education and training program.".

(c) USE OF BUREAU OF INDIAN AFFAIRS' ADMINISTRATIVE FUNDS.—Section 204(b) of such title is amended by adding at the end the following new sentence: "The Secretary of Interior may reserve funds from the Bureau of Indian Affairs' administrative funds associated with the Indian reservation roads program to finance the Indian technical centers authorized under section 326.".

SEC. 6005. APPLIED RESEARCH AND TECHNOLOGY PROGRAM; SEISMIC RESEARCH PROGRAM.

(a) IN GENERAL.—Section 307 of title 23, United States Code, is amended by redesignating subsections (e) and (f) as subsections (g) and (h), respectively, and by inserting after subsection (d) the following new subsections:

"(e) APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish and implement in accordance with this subsection an applied research and technology program for the purpose of accelerating testing, evaluation, and implementation of technologies which are designed to improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit, and intermodal transportation systems.

"(2) GUIDELINES.—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection. Such guidelines shall include:

"(A) TECHNOLOGIES.—Guidelines on the selection of both foreign and domestic technologies to be tested.

"(B) TEST LOCATIONS.—Guidelines on the selection of locations at which tests will be conducted. Such guidelines shall ensure that testing is conducted in a range of climatic, traffic, geographic, and environmental conditions, as appropriate for the technology being tested.

"(C) DATA.—Guidelines for the scientific collection, evaluation, and dissemination of appropriate test data.

"(3) TECHNOLOGIES.—Technologies which may be tested under this subsection include, but are not limited to—

"(A) accelerated construction materials and procedures;

"(B) environmentally beneficial materials and procedures;

"(C) materials and techniques which provide enhanced serviceability and longevity under adverse climatic, environmental, and load effects;

"(D) technologies which increase the efficiency and productivity of vehicular travel; and

"(E) technologies and techniques which enhance the safety and accessibility of vehicular transportation systems.

"(4) HEATED BRIDGE TECHNOLOGIES.—

"(A) PROJECTS.—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to heating the decks of bridges and the feasibility of, and costs and benefits associated with, heating the decks of bridges. Such projects shall be carried out by installing heating equipment on the decks of bridges which are being replaced or rehabilitated under section 144 of this title.

"(B) MINIMUM NUMBER OF BRIDGES.—The number of bridges for which heating equipment is installed under this subsection in a fiscal year shall not be less than 10 bridges.

"(5) ELASTOMER MODIFIED ASPHALT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of New Jersey to demonstrate the environmental and safety benefits of elastomer modified asphalt.

"(6) HIGH PERFORMANCE BLENDED HYDRAULIC CEMENT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of Missouri to demonstrate the durability and construction efficiency of high performance blended hydraulic cement.

"(7) THIN BONDED OVERLAY AND SURFACE LAMINATION OF PAVEMENT.—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to thin bonded overlay (including inorganic bonding systems) and surface lamination of pavement, and to assess the feasibility of, and costs and benefits associated with, the repair, rehabilitation, and upgrading of highways and bridges with overlay. Such projects shall be carried out so as to minimize overlay thickness, minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability.

"(8) ALL WEATHER PAVEMENT MARKINGS.—As part of the program under this subsection, the Secretary shall carry out a program to demonstrate the safety and durability of all weather pavement markings.

"(9) TESTING OF HIGHWAY TECHNOLOGIES.—Projects carried out under this subsection to test technologies related to highways shall be carried out on highways on the Federal-aid system.

"(10) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States and localities in carrying out projects under this subsection.

"(11) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this subsection, and annually thereafter, the Secretary shall transmit to the Committee on Public Works

and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this subsection.

"(12) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall not exceed 80 percent.

"(13) FUNDING.—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title and funds made available under section 26(a)(1) of the Federal Transit Act "$35,000,000 for fiscal year 1992 and $41,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out this subsection. Of such amounts, in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, the Secretary shall expend not less than $4,000,000 per fiscal year to carry out projects related to heated bridge technologies under paragraph (4), not less than $2,500,000 per fiscal year to carry out projects related to thin bonded overlay and surface lamination of pavements under paragraph (7), and not less than $2,000,000 per fiscal year to carry out projects related to all weather pavement markings under paragraph (8). Amounts made available under this subsection shall remain available until expended and shall not be subject to any obligation limitation.

"(f) SEISMIC RESEARCH PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a program to study the vulnerability of highways, tunnels, and bridges on the Federal-aid system to earthquakes and develop and implement cost-effective methods of retrofitting such highways, tunnels, and bridges to reduce such vulnerability.

"(2) COOPERATION WITH NATIONAL CENTER FOR EARTHQUAKE ENGINEERING RESEARCH.—The Secretary shall conduct the program under this section in cooperation with the National Center for Earthquake Engineering Research at the University of Buffalo.

"(3) COOPERATION WITH AGENCIES PARTICIPATING IN NATIONAL HAZARDS REDUCTION PROGRAM.—The Secretary shall further conduct the program under this section in consultation and cooperation with Federal departments and agencies participating in the National Hazards Reduction Program established by section 5 of the Earthquake Hazards Reduction Act of 1977 and shall take such actions as may be necessary to ensure that the program under this subsection is consistent with—

"(A) planning and coordination activities of the Federal Emergency Management Agency under section 5(b)(1) of such Act; and

"(B) the plan developed by the Director of the Federal Emergency Management Agency under section 8(b) of such Act.

"(4) FUNDING.—Of amounts deducted under section 104(a) of this title, the Secretary shall expend not more than $2,000,000 per fiscal year in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 to carry out this subsection.

"(5) REPORT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this section.".

(b) HIGHWAY AND BRIDGE CONDITIONS AND PERFORMANCE REPORT.—Section 307(h) of title 23, United States Code, as redesignated by subsection (a), is amended by adding at the end the following new sentence: "The biennial reports required under this subsection shall provide the means, including all necessary information, to relate and compare the conditions and service measures used in different years when such measures are changed.".

SEC. 6006. BUREAU OF TRANSPORTATION STATISTICS.

Chapter I of title 49, United States Code, is amended by adding at the end the following new section:

"§111. Bureau of Transportation Statistics

"(a) ESTABLISHMENT.—There is established in the Department of Transportation a Bureau of Transportation Statistics.

"(b) DIRECTOR.—

"(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the compilation and analysis of transportation statistics.

"(3) REPORTING.—The Director shall report directly to the Secretary.

"(4) TERM.—The term of the Director shall be 4 years. The term of the first Director to be appointed shall begin on the 180th day after the date of the enactment of this section.

"(c) RESPONSIBILITIES.—The Director of the Bureau shall be responsible for carrying out the following duties:

"(1) COMPILING TRANSPORTATION STATISTICS.—Compiling, analyzing, and publishing a comprehensive set of transportation statistics to provide timely summaries and totals (including industrywide aggregates and multiyear averages) of transportation-related information. Such statistics shall be suitable for conducting cost-benefit studies (including comparisons among individual transportation modes and intermodal transport systems) and shall include information on—

"(A) productivity in various parts of the transportation sector;

"(B) traffic flows;

"(C) travel times;

"(D) vehicle weights;

"(E) variables influencing traveling behavior, including choice of transportation mode;

"(F) travel costs of intracity commuting and intercity trips;

"(G) availability of mass transit and the number of passengers served by each mass transit authority;

"(H) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;

"(I) accidents;

"(J) collateral damage to the human and natural environment; and

"(K) the condition of the transportation system.

"(2) IMPLEMENTING LONG-TERM DATA COLLECTION PROGRAM.—Establishing and implementing, in cooperation with the modal administrators, the States, and other Federal officials a comprehensive, long-term program for the collection and analysis of data relating to the performance of the national transportation system. Such program shall—

"(A) be coordinated with efforts to develop performance indicators for the national transportation system undertaken pursuant to section 307(b)(3) of title 23, United States Code;

"(B) ensure that data is collected under this subsection in a manner which will maximize the ability to compare data from different regions and for different time periods; and

"(C) ensure that data collected under this subsection is controlled for accuracy and disseminated to the States and other interested parties.

"(3) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis.

"(4) COORDINATING COLLECTION OF INFORMATION.—Coordinating the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) with related information-gathering activities conducted by other Federal departments and agencies and collecting appropriate data not elsewhere gathered.

"(5) MAKING STATISTICS ACCESSIBLE.—Making the statistics published under this subsection readily accessible.

"(6) IDENTIFYING INFORMATION NEEDS.—Identifying information that is needed under paragraph (1) but which is not being collected, reviewing such needs at least annually with the Advisory Council on Transportation Statistics, and making recommendations to appropriate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.

"(d) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to authorize the Bureau to require any other department or agency to collect data; or

"(2) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

"(e) PROHIBITION ON CERTAIN DISCLOSURES.—Information compiled by the Bureau shall not be disclosed publicly in a manner that would reveal the personal identity of any individual, consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade se-

crets or allow commercial or financial information provided by any person to be identified with such person.

"(f) TRANSPORTATION STATISTICS ANNUAL REPORT.—On or before January 1, 1994, and annually thereafter, the Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c)(1), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

"(g) PERFORMANCE OF FUNCTIONS OF DIRECTOR PENDING CONFIRMATION.—An individual who, on the date of the enactment of this section, is performing any function required by this section to be performed by the Director may continue to perform such function until such function is undertaken by the Director.".

(b) FUNDING.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) only for carrying out the amendment made by subsection (a) $5,000,000 for fiscal year 1992, $10,000,000 for fiscal year 1993, $15,000,000 per fiscal year for each of fiscal years 1994 and 1995, $20,000,000 for fiscal year 1996, and $25,000,000 for fiscal year 1997. Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following new items:

"Sec. 110. Saint Lawrence Seaway Development Corporation.
"Sec. 111. Bureau of Transportation Statistics.".

(d) AMENDMENT TO TITLE 5, USC.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, Bureau of Transportation Statistics.".

SEC. 6007. ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.

(a) ESTABLISHMENT.—The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

(b) FUNCTION.—It shall be the function of the advisory council established under this section to advise the Director of the Bureau of Transportation Statistics on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau of Transportation Statistics are of high quality and are based upon the best available objective information.

(c) MEMBERSHIP.—The advisory council established under this section shall be composed of not more than 6 members appointed by the Director who are not officers or employees of the United States and who (except for 1 member who shall have expertise in economics and 1 member who shall have expertise in statistics) have expertise in transportation statistics and analysis.

(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to the advisory council established under this section, except that section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.

SEC. 6008. DOT DATA NEEDS.

(a) STUDY.—Not later than 1 year after the date of the establishment of the Bureau of Transportation Statistics, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study on the adequacy of data collection procedures and capabilities of the Department of Transportation.

(b) CONSULTATION.—The Secretary shall enter into the agreement under subsection (a) in consultation with the Director of the Bureau of Transportation Statistics.

(c) CONTENTS.—The study under subsection (a) shall include an evaluation of the Department of Transportation's data collection resources, needs, and requirements and an assessment and evaluation of the systems, capabilities, and procedures established by the Department to meet such needs and requirements, including the following:

(1) Data collection procedures and capabilities.

(2) Data analysis procedures and capabilities.

(3) Ability of data bases to integrate with one another.

(4) Computer hardware and software capabilities.

(5) Information management systems, including the ability of information management systems to integrate with one another.

(6) Availability and training of the personnel of the Department.

(7) Budgetary needs and resources of the Department for data collection.

(d) REPORT.—Not later than 18 months after the date of the agreement under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study under this section, including recommendations for improving the Department of Transportation's data collection systems, capabilities, procedures, and analytical hardware and software and recommendations for improving the Department's management information systems.

SEC. 6009. SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT PLANNING.

(a) FINDINGS.—Congress finds that—

(1) despite an annual expenditure in excess of $10,000,000,000 on surface transportation and its infrastructure, the Federal Government has not developed a clear vision of—

(A) how the surface transportation systems of the 21st century will differ from the present;

(B) how they will interface with each other and with other forms of transportation;

(C) how such systems will adjust to changing American population patterns and lifestyles; and

(D) the role of federally funded research and development in ensuring that appropriate transportation systems are developed and implemented;

(2) the population of the United States is projected to increase by over 30,000,000 people within the next 20 years, mostly in existing major metropolitan areas, which will result in increased traffic congestion within and between urban areas, more accidents, loss of productive time, and increased cost of transportation unless new technologies are developed to improve public

transportation within cities and to move people and goods between cities;

(3) 18,000,000 crashes, 4,000,000 injuries, and 45,000 fatalities each year on the Nation's highways are intolerable and substantial research is required in order to develop safer technologies in their most useful and economic forms;

(4) current research and development funding for surface transportation is insufficient to provide the United States with the technologies essential to providing its own advanced transportation systems in the future and, as a result, the United States is becoming increasingly dependent on foreign surface transportation technologies and equipment to meet its expanding surface transportation needs;

(5) a more active, focused surface transportation research and development program involving cooperation among the Federal Government, United States based industry, and United States universities should be organized on a priority basis;

(6) intelligent vehicle highway systems represent the best near-term technology for improving surface transportation for public benefit by providing equipment which can improve traffic flow and provide for enhanced safety;

(7) research and development programs related to surface transportation are fragmented and dispersed throughout government and need to be strengthened and incorporated in an integrated framework within which a consensus on the goals of a national surface transportation research and development program must be developed;

(8) the inability of government agencies to cooperate effectively, the difficulty of obtaining public support for new systems and rights-of-way, and the high cost of capital financing discourage private firms from investing in the development of new transportation equipment and systems; therefore, the Federal Government should sponsor and coordinate research and development of new technologies to provide safer, more convenient, and affordable transportation systems for use in the future; and

(9) an effective high technology applied research and development program should be implemented quickly by strengthening the Department of Transportation research and development staff and by contracting with private industry for specific development projects.

(b) Surface Transportation Research and Development Plan.—

(1) Development.—The Secretary shall develop an integrated national surface transportation research and development plan (hereinafter in this subsection referred to as the "plan").

(2) Focus.—The plan shall focus on surface transportation systems needed for urban, suburban, and rural areas in the next decade.

(3) Contents.—The plan shall include the following:

(A) Details of the Department's surface transportation research and development programs, including appropriate funding levels and a schedule with milestones, preliminary cost estimates, appropriate work scopes, personnel require-

ments, and estimated costs and goals for the next 3 years for each area of research and development.

(B) A 10-year projection of long-term programs in surface transportation research and development and recommendations for the appropriate source or mechanism for surface transportation research and development funding, taking into account recommendations of the Research and Development Coordinating Council of the Department of Transportation and the plan of the National Council on Surface Transportation Research.

(C) Recommendations on changes needed to assure that Federal, State, and local contracting procedures encourage the adoption of advanced technologies developed as a consequence of the research programs in this Act.

(4) OBJECTIVES.—The plan shall provide for the following:

(A) The development, within the shortest period of time possible, of a range of technologies needed to produce convenient, safe, and affordable modes of surface transportation to be available for public use beginning in the mid-1990's.

(B) Maintenance of a long-term advanced research and development program to provide for next generation surface transportation systems.

(5) COOPERATION WITH INDUSTRY.—A primary component of the plan shall be cooperation with industry in carrying out this part and strengthening the manufacturing capabilities of United States firms in order to produce products for surface transportation systems.

(6) CONFORMANCE WITH PLAN.—All surface transportation research and development within the Department of Transportation shall be included in the plan and shall be evaluated in accordance with the plan.

(7) COORDINATION.—In developing the plan and carrying out this part, the Secretary shall consult with and, where appropriate, use the expertise of other Federal agencies and their laboratories.

(8) TRANSMITTAL.—On or before January 15, 1993, and annually thereafter, the Secretary shall transmit the plan to Congress, together with the Secretary's comments and recommendations. The Secretary shall review and update the plan before each transmittal under this paragraph.

(9) RECOMMENDATIONS FOR ALTERNATIVES.—In the event a different technology or alternative program can be identified that would accomplish the same or better results than those described in this part, the Secretary may make recommendations for an alternative, and shall promptly report such alternative recommendations to Congress.

SEC. 6010. NATIONAL COUNCIL ON SURFACE TRANSPORTATION RESEARCH.

(a) ESTABLISHMENT.—There is established a National Council on Surface Transportation Research (hereinafter in this section referred to as the "Council").

(b) FUNCTION.—The Council shall make a complete investigation and study of current surface transportation research and technology

developments in the United States and internationally. The Council shall identify gaps and duplication in current surface transportation research efforts, determine research and development areas which may increase efficiency, productivity, safety, and durability in the Nation's surface transportation systems, and propose a national surface transportation research and development plan for immediate implementation.

(c) SPECIFIC MATTERS TO BE ADDRESSED.—The Council shall—

(1) survey current surface transportation public and private research efforts in the United States and internationally;

(2) examine factors which lead to fragmentation of surface transportation research efforts and determine how increased coordination in such efforts may be achieved;

(3) compare the role of the Federal Government with the role of foreign governments in promoting transportation research and evaluate the appropriateness of United States policy on government-sponsored surface transportation research;

(4) identify barriers to innovation in surface transportation systems;

(5) examine the range of funding arrangements available for surface transportation research and development and the level of resources currently available for such purposes; and

(6) identify surface transportation research areas and opportunities, including opportunities for international cooperation offering potential benefit to the Nation's surface transportation system, assess the relative priority of such research areas and plans, and develop a plan for national surface transportation research and development which includes short-range and long-range objectives.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Council shall be composed of 7 members as follows:

(A) Three members appointed by the President.

(B) One member appointed by the Speaker of the House of Representatives.

(C) One member appointed by the minority leader of the House of Representatives.

(D) One member appointed by the majority leader of the Senate.

(E) One member appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals involved in surface transportation research, including representatives of Federal, State, and local governments, other public agencies, colleges and universities; public, private, and nonprofit research organizations, and organizations representing transportation providers, shippers, labor, and the financial community.

(B) INTERNATIONAL ADVISOR.—One of the members appointed by the President pursuant to paragraph (1)(A) shall serve as an international research advisor for the Council.

(3) Terms.—Members shall be appointed for the life of the Council.

(4) Vacancies.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(5) Travel expenses.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) Chairman.—The Chairman of the Council shall be elected by the members.

(e) Staff.—The Council may appoint and fix the pay of such personnel as it considers appropriate.

(f) Staff of Federal Agencies.—Upon request of the Council, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Council to assist it in carrying out its duties under this section.

(g) Administrative Support Services.—Upon the request of the Council, the Administrator of General Services shall provide to the Council, on a reimbursable basis, the administrative support services necessary for the Council to carry out its responsibilities under this section.

(h) Obtaining Official Data.—The Council may secure directly from any department or agency of the United States information necessary for it to carry out its duties under this section. Upon request of the Council, the head of that department or agency shall furnish that information to the Council.

(i) Report.—Not later than September 30, 1993, the Council shall transmit to Congress a final report on the results of the investigation and study conducted under this section. The report shall include recommendations of the Council, including a proposed national surface transportation research plan for immediate implementation.

(j) Termination.—The Council shall terminate on the 180th day following the date of transmittal of the report under subsection (i). All records and papers of the Council shall thereupon be delivered to the Administrator of General Services for deposit in the National Archives.

SEC. 6011. RESEARCH ADVISORY COMMITTEE.

(a) Establishment.—Not later than 180 days after the date of transmittal of the report to Congress under section 6010, the Secretary shall establish an independent surface transportation research advisory committee (hereinafter in this section referred to as the "advisory committee").

(b) Purposes.—The advisory committee shall provide ongoing advice and recommendations to the Secretary regarding needs, objectives, plans, approaches, content, and accomplishments with respect to short-term and long-term surface transportation research and development. The advisory committee shall also assist in ensuring that such research and development is coordinated with similar research and development being conducted outside of the Department of Transportation.

(c) MEMBERSHIP.—The advisory committee shall be composed of not less than 20 and not more than 30 members appointed by the Secretary from among individuals who are not employees of the Department of Transportation and who are specially qualified to serve on the advisory committee by virtue of their education, training, or experience. A majority of the members of the advisory committee shall be individuals with experience in conducting surface transportation research and development. The Secretary in appointing the members of the advisory committee shall ensure that representatives of Federal, State, and local governments, other public agencies, colleges and universities, public, private, and nonprofit research organizations, and organizations representing transportation providers, shippers, labor, and the financial community are represented on an equitable basis.

(d) CHAIRMAN.—The chairman of the advisory committee shall be designated by the Secretary.

(e) PAY AND EXPENSES.—Members of the advisory committee shall serve without pay, except that the Secretary may allow any member, while engaged in the business of the advisory committee or a subordinate committee, travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) SUBORDINATE COMMITTEES.—The Secretary shall establish a subordinate committee to the advisory committee to provide advice on advanced highway vehicle technology research and development, and may establish other subordinate committees to provide advice on specific areas of surface transportation research and development. Such subordinate committees shall be subject to subsections (e), (g), and (i) of this section.

(g) ASSISTANCE OF SECRETARY.—Upon request of the advisory committee, the Secretary shall provide such information, administrative services, support staff, and supplies as the Secretary determines to be necessary for the advisory committee to carry out its functions.

(h) REPORTS.—The advisory committee shall, within 1 year after the date of establishment of the advisory committee, and annually thereafter, submit to the Congress a report summarizing its activities under this section.

(i) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.

SEC. 6012. COMMEMORATION OF DWIGHT D. EISENHOWER NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

(a) STUDY.—The Secretary shall conduct a study to determine an appropriate symbol or emblem to be placed on highway signs referring to the Interstate System to commemorate the vision of President Dwight D. Eisenhower in creating the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study under this section.

SEC. 6013. STATE LEVEL OF EFFORT.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary and the Director of the Bureau of

Transportation Statistics shall begin a comprehensive study of the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs.

(b) Contents.—The study under subsection (a) shall include collection of data relating to State and local revenues collected and spent on surface transportation programs. Such revenues include income from fuel taxes, toll revenues (including bridge, tunnel, and ferry tolls), sales taxes, general fund appropriations, property taxes, bonds, administrative fees, taxes on commercial vehicles, and such other State and local revenue sources as the Director of the Bureau considers appropriate.

(c) Report.—Not later than 9 months after the date of the enactment of this Act, the Secretary and the Director of the Bureau shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study under this section, including recommendations on the most appropriate measure of State level of effort in funding surface transportation programs and comprehensive data, by State, on revenue sources and amounts collected by States and local governments and devoted to surface transportation programs.

SEC. 6014. EVALUATION OF STATE PROCUREMENT PRACTICES.

(a) Study.—The Secretary shall conduct a study to evaluate whether or not current procurement practices of State departments and agencies, including statistical acceptance procedures, are adequate to ensure that highway and transit systems are designed, constructed, and maintained so as to achieve a high quality for such systems at the lowest overall cost.

(b) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section, together with an assessment of the need for establishing a national policy on transportation quality assurance and recommendations for appropriate legislative and administrative actions.

SEC. 6015. BORDER CROSSINGS.

(a) Identification.—The Secretary, in cooperation with other appropriate Federal agencies, shall identify existing and emerging trade corridors and transportation subsystems that facilitate trade between the United States, Canada, and Mexico.

(b) Priorities and Recommendations.—The Secretary shall investigate and develop priorities and recommendations for rail, highway, water, and air freight centers and all highway border crossings for States adjoining Canada and Mexico, including the Gulf of Mexico States and other States whose transportation subsystems affect the trade corridors. The recommendations shall provide for improvement and integration of transportation corridor subsystems, methods for achieving the optimum yield from such subsystems, methods for increasing productivity, methods for increasing the use of advanced technologies, and methods to encourage the use of innovative marketing techniques, such as just-in-time deliveries.

(c) Minimum Elements.—The highway border crossing assessment under this section shall at a minimum—

(1) determine whether or not the border crossings are in compliance with current Federal highway regulations and adequately designed for future growth and expansion;

(2) assess their ability to accommodate increased commerce due to the United States-Canada Free Trade Agreement and increased trade between the United States and Mexico; and

(3) assess their ability to accommodate increasing tourism-related traffic between the United States, Canada, and Mexico.

The review shall specifically address issues related to the alignment of United States and adjoining Canadian and Mexican highways at the border crossings, the development of bicycle paths and pedestrian walkways, and potential energy savings to be realized by decreasing truck delays at the border crossings and related parking improvements.

(d) Consultation.—In carrying out this section, the Secretary shall consult with appropriate Governors and representatives of the Republic of Mexico and Canada.

(e) Report.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall report to Congress and border State Governors on transportation infrastructure needs, associated costs, and economic impacts identified and propose an agenda to develop systemwide integration of services for national benefits.

SEC. 6016. FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.

(a) Studies.—The Administrator of the Federal Highway Administration (hereinafter in this section referred to as the "Administrator") shall conduct studies of the fundamental chemical property and physical property of petroleum asphalts and modified asphalts used in highway construction in the United States. Such studies shall emphasize predicting pavement performance from the fundamental and rapidly measurable properties of asphalts and modified asphalts.

(b) Contracts.—To carry out the studies under subsection (a), the Administrator shall enter into contracts with the Western Research Institute of the University of Wyoming in order to conduct the necessary technical and analytical research in coordination with existing programs which evaluate actual performance of asphalts and modified asphalts in roadways, including the Strategic Highway Research Program.

(c) Activities of Studies.—The studies under subsection (a) shall include the following activities:

(1) Fundamental composition studies.

(2) Fundamental physical and rheological property studies.

(3) Asphalt-aggregate interaction studies.

(4) Coordination of composition studies, physical and rheological property studies, and asphalt-aggregate interaction studies for the purposes of predicting pavement performance, including refinements of Strategic Highway Research Program specifications.

(d) Test Strip.—

(1) IMPLEMENTATION.—The Administrator, in coordination with the Western Research Institute of the University of Wyoming, shall implement a test strip for the purpose of demonstrating and evaluating the unique energy and environmental advantages of using shale oil modified asphalts under extreme climatic conditions.

(2) FUNDING.—For the purposes of construction activities related to this test strip, the Secretary and the Director of the National Park Service shall make up to $1,000,000 available from amounts made available from the authorization for parkroads and parkways.

(3) REPORT TO CONGRESS.—Not later than November 30, 1995, the Administrator shall transmit to Congress as part of a report under subsection (e) the Administrator's findings on activities conducted under this subsection, including an evaluation of the test strip implemented under this subsection and recommendations for legislation to establish a national program to support United States transportation and energy security requirements.

(e) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and on or before November 30th of each year beginning thereafter, the Administrator shall transmit to Congress a report of the progress made in implementing this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title at least $3,000,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out subsection (b).

SEC. 6017. RESEARCH AND DEVELOPMENT AUTHORITY OF SECRETARY OF TRANSPORTATION.

Section 301(6) of title 49, United States Code, as redesignated by section 502(a) of this Act, is amended by inserting ", and including basic highway vehicle science" after "to aircraft noise".

SEC. 6018. PURPOSES OF DEPARTMENT OF TRANSPORTATION.

Section 101(b)(4) of title 49, United States Code, is amended by inserting ", through research and development or otherwise" after "advances in transportation".

SEC. 6019. ADVANCED AUTOMOTIVE CONFERENCE AND AWARD.

The Stevenson-Wydler Technology Innovation Act of 1980 is amended by inserting after section 17 the following new sections, and by redesignating subsequent sections and all references thereto accordingly:

"SEC. 18. CONFERENCE ON ADVANCED AUTOMOTIVE TECHNOLOGIES.

"Not later than 180 days after the date of the enactment of this section, the Secretary of Commerce, through the Under Secretary of Commerce for Technology, in consultation with other appropriate officials, shall convene a conference of domestic motor vehicle manufacturers, parts suppliers, Federal laboratories, and motor vehicle users to explore ways in which cooperatively they can improve the competitiveness of the United States motor vehicle industry by developing new technologies which will enhance the safety and energy savings, and lessen the environmental impact of domestic motor vehicles, and the results of such conference shall be published and

then submitted to the President and to the Committees on Science, Space, and Technology and Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"SEC. 19. ADVANCED MOTOR VEHICLE RESEARCH AWARD.

"(a) ESTABLISHMENT.—There is established a National Award for the Advancement of Motor Vehicle Research and Development. The award shall consist of a medal, and a cash prize if funding is available for the prize under subsection (c). The medal shall be of such design and materials and bear inscriptions as is determined by the Secretary of Transportation.

"(b) MAKING AND PRESENTING AWARD.—The Secretary of Transportation shall periodically make and present the award to domestic motor vehicle manufacturers, suppliers, or Federal laboratory personnel who, in the opinion of the Secretary of Transportation, have substantially improved domestic motor vehicle research and development in safety, energy savings, or environmental impact. No person may receive the award more than once every 5 years.

"(c) FUNDING FOR AWARD.—The Secretary of Transportation may seek and accept gifts of money from private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, and only such money may be used for that purpose.".

SEC. 6020. UNDERGROUND PIPELINES.

(a) STUDY.—The Secretary shall conduct a study to evaluate the feasibility, costs, and benefits of constructing and operating pneumatic capsule pipelines for underground movement of commodities other than hazardous liquids and gas.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 6021. BUS TESTING.

(a) DEFINITION OF NEW BUS MODEL.—Section 12(h) of the Federal Transit Act (49 U.S.C. 1608(h)) is amended by inserting "(including any model using alternative fuels)" after "means a bus model".

(b) DUTIES OF BUS TESTING FACILITY.—Section 317(b)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (49 U.S.C. App. 1608 note) is amended—

(1) by inserting "(including braking performance)" after "performance"; and

(2) by inserting "emissions," after "fuel economy,".

(c) FUNDING.—The first sentence of section 317(b)(5) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 is amended by inserting before the period at the end the following: ", for expansion of such facility $1,500,000 for fiscal year 1992, and for establishment of a revolving fund under paragraph (6) $2,500,000 for fiscal year 1992".

(d) Revolving Loan Fund.—Section 317(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 is amended by adding at the end the following new paragraph:

"(6) Revolving loan fund.—The Secretary shall establish a bus testing revolving loan fund with amounts authorized for such purpose under paragraph (5). The Secretary shall make available as repayable advances amounts from the fund to the person described in paragraph (3) for operating and maintaining the facility.".

SEC. 6022. NATIONAL TRANSIT INSTITUTE.

The Federal Transit Act (49 U.S.C. App. 1601–1621) is amended by adding after section 28 the following new section:

"SEC. 29. NATIONAL TRANSIT INSTITUTE.

"(a) Establishment.—The Secretary shall make grants to Rutgers University to establish a national transit institute. The institute shall develop and administer, in cooperation with the Federal Transit Administration, State transportation departments, public transit agencies, and national and international entities, training programs of instruction for Federal, State, and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Federal-aid transit work. Such programs may include courses in recent developments, techniques, and procedures relating to transit planning, management, environmental factors, acquisition and joint use of rights-of-way, engineering, procurement strategies for transit systems, turn-key approaches to implementing transit systems, new technologies, emission reduction technologies, means of making transit accessible to individuals with disabilities, construction, maintenance, contract administration, and inspection. The Secretary shall delegate to the institute the authority vested in the Secretary for the development and conduct of educational and training programs relating to transit.

"(b) Funding.—Not to exceed one-half of 1 percent of all funds made available for a fiscal year beginning after September 30, 1991, to a State or public transit agency in the State for carrying out sections 3 and 9 of the Federal Transit Act shall be available for expenditure by the State and public transit agencies in the State, subject to approval by the Secretary, for payment of not to exceed 80 percent of the cost of tuition and direct educational expenses in connection with the education and training of State and local transportation department employees as provided in this section.

"(c) Provision of Training.—Education and training of Federal, State, and local transportation employees authorized by this section shall be provided—

"(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

"(2) in any case where such education and training are to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

"(d) Funding.—The Secretary shall make available in equal amounts from funds provided under section 21(c)(3) and 21(c)(4)

$3,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 for carrying out this section. Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under this subsection shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.".

SEC. 6023. UNIVERSITY TRANSPORTATION CENTERS.

(a) ADDITIONAL RESPONSIBILITY.—Section 11(b)(2) of the Federal Transit Act (49 U.S.C. App. 1607c(b)(2)) is amended by inserting "transportation safety and" after "training concerning".

(b) ESTABLISHMENT OF NEW CENTERS; PROGRAM COORDINATION.—Section 11(b) of such Act (49 U.S.C. App. 1607c(b)) is amended by striking paragraphs (7) and (8), by redesignating paragraphs (9) and (10) as paragraphs (14) and (15), respectively, and by inserting after paragraph (6) the following new paragraphs:

"(7) NATIONAL CENTER.—To accelerate the involvement and participation of minority individuals and women in transportation-related professions, particularly in the science, technology, and engineering disciplines, the Secretary shall make grants under this section to Morgan State University to establish a national center for transportation management, research, and development. Such center shall give special attention to the design, development, and implementation of research, training, and technology transfer activities to increase the number of highly skilled minority individuals and women entering the transportation workforce.

"(8) CENTER FOR TRANSPORTATION AND INDUSTRIAL PRODUCTIVITY.—

"(A) IN GENERAL.—The Secretary shall make grants under this section to the New Jersey Institute of Technology to establish and operate a center for transportation and industrial productivity. Such center shall conduct research and development activities which focus on methods to increase surface transportation capacity, reduce congestion, and reduce costs for transportation system users and providers through the use of transportation management systems.

"(B) JAMES AND MARLENE HOWARD TRANSPORTATION INFORMATION CENTER.—

"(i) GRANT.—The Secretary shall make a grant to Monmouth College, West Long Branch, New Jersey, for modification and reconstruction of Building Number 500 at Monmouth College.

"(ii) ASSURANCES.—Before making a grant under clause (i), the Secretary shall receive assurances from Monmouth College that—

"(I) the building referred to in clause (i) will be known and designated as the 'James and Marlene Howard Transportation Information Center'; and

"(II) transportation-related instruction and research in the fields of computer science, electronic engineering, mathematics, and software engineering conducted at the building referred to in clause

(i) will be coordinated with the Center for Transportation and Industrial Productivity at the New Jersey Institute of Technology.

"(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $2,242,000 in fiscal year 1992 for making the grant under clause (i).

"(iv) APPLICABILITY OF TITLE 23.—Funds authorized by clause (iii) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities conducted with the grant under clause (i) shall be 80 percent and such funds shall remain available until expended. Funds authorized by clause (iii) shall not be subject to any obligation limitation.

"(9) NATIONAL RURAL TRANSPORTATION STUDY CENTER.—The Secretary shall make grants under this section to the University of Arkansas to establish a national rural transportation center. Such center shall conduct research, training, and technology transfer activities in the development, management, and operation of intermodal transportation systems in rural areas.

"(10) NATIONAL CENTER FOR ADVANCED TRANSPORTATION TECHNOLOGY.—

"(A) IN GENERAL.—The Secretary shall make grants under paragraph (10) to the University of Idaho to establish a National Center for Advanced Transportation technology. Such center shall be established and operated in partnership with private industry and shall conduct industry driven research and development activities which focus on transportation-related manufacturing and engineering processes, materials, and equipment.

"(B) GRANTS.—The Secretary shall make grants to the University of Idaho, Moscow, Idaho, for planning, design, and construction of a building in which the research and development activities of the National Center for Advanced Transportation Technology may be conducted.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $2,500,000 for fiscal year 1992, $3,000,000 for fiscal year 1993, and $2,500,000 for fiscal year 1994 for making the grants under subparagraph (B).

"(D) APPLICABILITY OF TITLE 23.—Funds authorized by subparagraph (C) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of activities conducted with the grant under subparagraph (B) shall be 80 percent and such funds shall remain available until expended. Funds authorized by subparagraph (B) shall not be subject to any obligation limitation.

"(E) APPLICABILITY OF GRANT REQUIREMENTS.—Any grant entered into under this paragraph shall not be subject to the requirements of subsection (b) of this section.

"(11) PROGRAM COORDINATION.—

"(A) IN GENERAL.—The Secretary shall provide for the coordination of research, education, training, and technology transfer activities carried out by grant recipients under this subsection, the dissemination of the results of such research, and the establishment and operation of a clearinghouse between such centers and the transportation industry. The Secretary shall review and evaluate programs carried out by such grant recipients at least annually.

"(B) FUNDING.—Not to exceed 1 percent of the funds made available from Federal sources to carry out this subsection may be used by the Secretary to carry out this paragraph.

"(12) OBLIGATION CEILING.—Amounts authorized out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection shall be subject to obligation limitations established by section 102 of the Intermodal Surface Transportation Efficiency Act of 1991.

"(13) AUTHORIZATIONS.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section di $5,000,000 for fiscal year 1992 and $6,000,000 for each of the fiscal years 1993 through 1997. Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project."

SEC. 6024. UNIVERSITY RESEARCH INSTITUTES.

Section 11 of the Federal Transit Act (49 U.S.C. App. 1607c) is amended by adding at the end the following new subsection:

"(c) UNIVERSITY RESEARCH INSTITUTES.—

"(1) INSTITUTE FOR NATIONAL SURFACE TRANSPORTATION POLICY STUDIES.—The Secretary shall make grants under this section to San Jose State University to establish and operate an institute for national surface transportation policy studies. Such institute shall—

"(A) include both male and female students of diverse socioeconomic and ethnic backgrounds who are seeking careers in the development and operations of surface transportation programs; and

"(B) conduct research and development activities to analyze ways of improving aspects of the development and operation of the Nation's surface transportation programs.

"(2) INFRASTRUCTURE TECHNOLOGY INSTITUTE.—The Secretary shall make grants under this section to Northwestern University to establish and operate an institute for the study of techniques to evaluate and monitor infrastructure conditions, improve information systems for infrastructure construction and management, and study advanced materials and automated processes for construction and rehabilitation of public works facilities.

"(3) URBAN TRANSIT INSTITUTE.—The Secretary shall make grants under this section to North Carolina A. and T. State University through the Institute for Transportation Research and Education and the University of South Florida and a consortium of Florida A and M, Florida State University, and Florida International University to establish and operate an interdisciplinary institute for the study and dissemination of techniques to address the diverse transportation problems of urban areas experiencing significant and rapid growth.

"(4) INSTITUTE FOR INTELLIGENT VEHICLE-HIGHWAY CONCEPTS.—The Secretary shall make grants under this section to the University of Minnesota, Center for Transportation Studies, to establish and operate a national institute for intelligent vehicle-highway concepts. Such institute shall conduct research and recommend development activities which focus on methods to increase roadway capacity, enhance safety, and reduce negative environmental effects of transportation facilities through the use of intelligent vehicle-highway systems technologies.

"(5) INSTITUTE FOR TRANSPORTATION RESEARCH AND EDUCATION.—The Secretary shall make grants under this section to the University of North Carolina to conduct research and development and to direct technology transfer and training for State and local transportation agencies to improve the overall surface transportation infrastructure.

"(6) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 $250,000 per fiscal year to carry out paragraph (1), $3,000,000 per fiscal year to carry out paragraph (2), $1,000,000 per fiscal year to carry out paragraph (3), $1,000,000 per fiscal year to carry out paragraph (4), and $1,000,000 per fiscal year to carry out paragraph (5).

"(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.".

PART B—INTELLIGENT VEHICLE-HIGHWAY SYSTEMS ACT

SEC. 6051. SHORT TITLE.

This part may be cited as the "Intelligent Vehicle-Highway Systems Act of 1991".

SEC. 6052. ESTABLISHMENT AND SCOPE OF PROGRAM.

(a) ESTABLISHMENT.—Subject to the provisions of this part, the Secretary shall conduct a program to research, develop, and operationally test intelligent vehicle-highway systems and promote implementation of such systems as a component of the Nation's surface transportation systems.

(b) GOALS.—The goals of the program to be carried out under this part shall include, but not be limited to—

(1) the widespread implementation of intelligent vehicle-highway systems to enhance the capacity, efficiency, and safety of

the Federal-aid highway system and to serve as an alternative to additional physical capacity of the Federal-aid highway system;

(2) the enhancement, through more efficient use of the Federal-aid highway system, of the efforts of the several States to attain air quality goals established pursuant to the Clean Air Act;

(3) the enhancement of safe and efficient operation of the Nation's highway systems with a particular emphasis on aspects of systems that will increase safety and identification of aspects of the system that may degrade safety;

(4) the development and promotion of intelligent vehicle-highway systems and an intelligent vehicle-highway systems industry in the United States, using authority provided under section 307 of title 23, United States Code;

(5) the reduction of societal, economic, and environmental costs associated with traffic congestion;

(6) the enhancement of United States industrial and economic competitiveness and productivity by improving the free flow of people and commerce and by establishing a significant United States presence in an emerging field of technology;

(7) the development of a technology base for intelligent vehicle-highway systems and the establishment of the capability to perform demonstration experiments, using existing national laboratory capabilities where appropriate; and

(8) the facilitation of the transfer of transportation technology from national laboratories to the private sector.

SEC. 6053. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) COOPERATION.—In carrying out the program under this part, the Secretary shall foster use of the program as a key component of the Nation's surface transportation systems and strive to transfer federally owned or patented technology to State and local governments and the United States private sector. As appropriate, in carrying out the program under this part, the Secretary shall consult with the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other interested Federal departments and agencies and shall maximize the involvement of the United States private sector, colleges and universities, and State and local governments in all aspects of the program, including design, conduct (including operations and maintenance), evaluation, and financial or in-kind participation.

(b) STANDARDS.—The Secretary shall develop and implement standards and protocols to promote the widespread use and evaluation of intelligent vehicle-highway systems technology as a component of the Nation's surface transportation systems. To the extent practicable, such standards and protocols shall promote compatibility among intelligent vehicle-highway systems technologies implemented throughout the States. In carrying out this subsection, the Secretary may use the services of such existing standards-setting organizations as the Secretary determines appropriate.

(c) EVALUATION GUIDELINES.—The Secretary shall establish guidelines and requirements for the evaluation of field and related oper-

ational tests carried out pursuant to section 6055. Any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests shall not be subject to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

(d) INFORMATION CLEARINGHOUSE.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out pursuant to this part and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) DELEGATION OF AUTHORITY.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation. If the Secretary delegates such responsibility, the entity to which such responsibility is delegated shall be eligible for Federal assistance under this part.

(e) ADVISORY COMMITTEES.—The Secretary may utilize one or more advisory committees in carrying out this part. Any advisory committee so utilized shall be subject to the Federal Advisory Committee Act. Funding provided for any such committee shall be available from moneys appropriated for advisory committees as specified in relevant appropriations Acts and from funds allocated for research, development, and implementation activities in connection with the intelligent vehicle-highway systems program under this part.

SEC. 6054. STRATEGIC PLAN, IMPLEMENTATION, AND REPORT TO CONGRESS.

(a) STRATEGIC PLAN.—

(1) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop, submit to Congress, and commence implementation of a plan for the intelligent vehicle-highway systems program.

(2) SCOPE.—The plan shall—

(A) specify the goals, objectives, and milestones of the intelligent vehicle-highway program and how specific projects relate to the goals, objectives, and milestones, including consideration of the 5-, 10-, and 20-year timeframes for the goals and objectives;

(B) detail the status of and challenges and nontechnical constraints facing the program;

(C) establish a course of action necessary to achieve the program's goals and objectives;

(D) provide for the development of standards and protocols to promote and ensure compatibility in the implementation of intelligent vehicle-highway systems technologies; and

(E) provide for the accelerated use of advanced technology to reduce traffic congestion along heavily populated and traveled corridors.

(b) Intelligent Vehicle Highway Systems.—The Secretary shall develop an automated highway and vehicle prototype from which future fully automated intelligent vehicle-highway systems can be developed. Such development shall include research in human factors to ensure the success of the man-machine relationship. The goal of this program is to have the first fully automated roadway or an automated test track in operation by 1997. This system shall accommodate installation of equipment in new and existing motor vehicles.

(c) Implementation Reports.—

(1) In general.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on implementation of the plan developed under subsection (a).

(2) Scope of implementation reports.—In preparing reports under this subsection, the Secretary shall—

(A) analyze the possible and actual accomplishments of intelligent vehicle-highway systems projects in achieving congestion, safety, environmental, and energy conservation goals and objectives of the program;

(B) specify cost-sharing arrangements made, including the scope and nature of Federal investment, in any research, development, or implementation project under the program;

(C) assess nontechnical problems and constraints identified as a result of each such implementation project; and

(D) include, if appropriate, any recommendations of the Secretary for legislation or modification to the plan developed under subsection (a).

(d) Nontechnical Constraints.—

(1) Report to congress.—In cooperation with the Attorney General and the Secretary of Commerce, the Secretary shall prepare and submit, not later than 2 years after the date of the enactment of this Act, a report to Congress addressing the nontechnical constraints and barriers to implementation of the intelligent vehicle-highway systems program.

(2) Scope of report.—The report shall—

(A) address antitrust, privacy, educational and staffing needs, patent, liability, standards, and other constraints, barriers, or concerns relating to the intelligent vehicle-highway systems program;

(B) recommend legislative and administrative actions necessary to further the program; and

(C) address ways to further promote industry and State and local government involvement in the program.

(3) Update of report.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress an update of the report under this subsection.

SEC. 6055. TECHNICAL, PLANNING, AND OPERATIONAL TESTING PROJECT ASSISTANCE.

(a) Technical Assistance and Information.—The Secretary may provide planning and technical assistance and information to

State and local governments seeking to use and evaluate intelligent vehicle-highway systems technologies. In doing so, the Secretary shall assist State and local officials in developing plans for areawide traffic management control centers, necessary laws pertaining to establishment and implementation of such systems, and plans for infrastructure for such systems and in conducting other activities necessary for the intelligent vehicle-highway systems program.

(b) Planning Grants.—The Secretary may make grants to State and local governments for feasibility and planning studies for development and implementation of intelligent vehicle-highway systems. Such grants shall be made at such time, in such amounts, and subject to such conditions as the Secretary may determine.

(c) Eligibility of Certain Traffic Management Entities.—Any interagency traffic and incident management entity, including independent public authorities or agencies, contracted by a State department of transportation for implementation of a traffic management system for a designated corridor is eligible to receive Federal assistance under this part through the State department of transportation.

(d) Operational Testing Projects.—The Secretary may make grants to non-Federal entities, including State and local governments, universities, and other persons, for operational tests relating to intelligent vehicle-highway systems. In deciding which projects to fund under this subsection, the Secretary shall—

(1) give the highest priority to those projects that—

(A) will contribute to the goals and objectives specified in plan developed under section 6054; and

(B) will minimize the relative percentage of Federal contributions (excluding funds apportioned under section 104 of title 23, United States Code) to total project costs;

(2) seek to fund operational tests that advance the current state of knowledge and, where appropriate, build on successes achieved in previously funded work involving such systems; and

(3) require that operational tests utilizing Federal funds under this part have a written evaluation of the intelligent vehicle-highway systems technologies investigated and of the results of the investigation which is consistent with the guidelines developed pursuant to section 6053(c).

(e) Authority To Use Funds.—Each State and eligible local entity is authorized to use funds provided under this part for implementation purposes in connection with the intelligent vehicle-highway systems program.

SEC. 6056. APPLICATIONS OF TECHNOLOGY.

(a) IVHS Corridors Program.—The Secretary shall designate transportation corridors in which application of intelligent vehicle-highway systems will have particular benefit and, through financial and technical assistance under this part, shall assist in the development and implementation of such systems.

(b) Priorities.—In providing funding for corridors under this section, the Secretary shall allocate not less than 50 percent of the funds made available to carry out this section to eligible State or local entities for application of intelligent vehicle-highway systems

in not less than 3 but not more than 10 corridors with the following characteristics:

(1) Traffic density (as a measurement of vehicle miles traveled per highway mile) at least 1.5 times the national average for such class of highway.

(2) Severe or extreme nonattainment for ozone under the Clean Air Act, as determined by the Administrator of the Environmental Protection Agency.

(3) A variety of types of transportation facilities, such as highways, bridges, tunnels, and toll and nontoll facilities.

(4) Inability to significantly expand capacity of existing surface transportation facilities.

(5) A significant mix of passenger, transit, and commercial motor carrier traffic.

(6) Complexity of traffic patterns.

(7) Potential contribution to the implementation of the Secretary's plan developed under section 6054.

(c) OTHER CORRIDORS AND AREAS.—After the allocation pursuant to subsection (b), the balance of funds made available to carry out this section shall be allocated to eligible State and local entities for application of intelligent vehicle-highway systems in corridors and areas where the application of such systems and associated technologies will make a potential contribution to the implementation of the Secretary's plan for the intelligent vehicle-highway systems program under section 6054 and demonstrate benefits related to any of the following:

(1) Improved operational efficiency.

(2) Reduced regulatory burden.

(3) Improved commercial productivity.

(4) Improved safety.

(5) Enhanced motorist and traveler performance.

Such corridors and areas may be in both urban and rural areas and may be interstate and intercity corridors. Urban corridors shall have a significant number of the characteristics set forth in subsection (b).

SEC. 6057. COMMERCIAL MOTOR VEHICLE SAFETY TECHNOLOGY.

(a) STUDY.—The Secretary shall conduct a study to evaluate technology which is designed for installation on a commercial motor vehicle to provide the individual operating the vehicle with a warning if a turn, lane change, or other intended movement of the vehicle by the operator will place the vehicle in the path of an adjacent object or vehicle.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing findings and recommendations concerning the study conducted under this section.

SEC. 6058. FUNDING.

(a) IVHS CORRIDORS PROGRAM.—There is authorized to be appropriated to the Secretary for carrying out section 6056, out of the Highway Trust Fund (other than the Mass Transit Account), $71,000,000 for fiscal year 1992 and $86,000,000 per fiscal year for

each of fiscal years 1993 through 1997. In addition to amounts made available by subsection (b), any amounts authorized by this subsection and not allocated by the Secretary for carrying out section 6056 for fiscal years 1992 and 1993 may be used by the Secretary for carrying out other activities authorized under this part.

(b) Other IVHS Activities.—There is authorized to be appropriated to the Secretary for carrying out this part (other than section 6056), out of the Highway Trust Fund (other than the Mass Transit Account), $23,000,000 for fiscal year 1992 and $27,000,000 per fiscal year for each of fiscal years 1993 through 1997.

(c) Reservation of Funds.—Of the funds made available pursuant to subsection (a), not less than 5 percent shall only be available for innovative, high-risk operational or analytical tests that do not attract substantial non-Federal commitments but are determined by the Secretary as having significant potential to help accomplish long-term goals established by the plan developed pursuant to section 6054.

(d) Federal Share Payable.—The Federal share payable on account of activities carried out under this part shall not exceed 80 percent of the cost of such activities. The Secretary may waive application of the preceding sentence for projects undertaken pursuant to subsection (c) of this section. The Secretary shall seek maximum private participation in the funding of such activities.

(e) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any activity under this section shall be determined in accordance with this section and such funds shall remain available until expended. Such funds shall be subject to the obligation limitation imposed by section 102 of this Act.

SEC. 6059. DEFINITIONS.

For the purposes of this part, the following definitions apply:

(1) IVHS.—The term "intelligent vehicle-highway systems" means the development or application of electronics, communications, or information processing (including advanced traffic management systems, commercial vehicle operations, advanced traveler information systems, commercial and advanced vehicle control systems, advanced public transportation systems, satellite vehicle tracking systems, and advanced vehicle communications systems) used singly or in combination to improve the efficiency and safety of surface transportation systems.

(2) Corridor.—The term "corridor" means any major transportation route which includes parallel limited access highways, major arterials, or transit lines; and, with regard to traffic incident management, such term may include more distant transportation routes that can serve as viable options to each other in the event of traffic incidents.

(3) State.—The term "State" has the meaning such term has under section 101 of title 23, United States Code.

PART C—ADVANCED TRANSPORTATION SYSTEMS AND ELECTRIC VEHICLES

SEC. 6071. ADVANCED TRANSPORTATION SYSTEM AND ELECTRIC VEHICLE RESEARCH AND DEVELOPMENT CONSORTIA.

(a) GENERAL AUTHORITY.—

(1) PROPOSAL.—Not later than 3 months after the date of the enactment of this Act, an eligible consortium may submit to the Secretary a proposal for receiving grants made available under this section for electric vehicle and advanced transportation research and development.

(2) CONTENTS OF PROPOSAL.—A proposal submitted under paragraph (1) shall include—

(A) a description of the eligible consortium making the proposal;

(B) a description of the type of additional members targeted for inclusion in the consortium;

(C) a description of the eligible consortium's ability to contribute significantly to the development of vehicles, transportation systems, or related subsystems and equipment, that are competitive in the commercial market and its ability to enable serial production processes;

(D) a description of the eligible consortium's financing scheme and business plan, including any projected contributions of State and local governments and other parties;

(E) assurances, by letter of credit or other acceptable means, that the eligible consortium is able to meet the requirement contained in subsection (b)(6); and

(F) any other information the Secretary requires in order to make selections under this section.

(3) GRANT AUTHORITY.—Except as provided in paragraph (4), not later than 6 months after the date of the enactment of this Act, the Secretary shall award grants to not less than 3 eligible consortia. No one eligible consortium may receive more than one-third of the funds made available for grants under this section.

(4) EXTENSION.—If fewer than 3 complete applications from eligible consortia have been received in time to permit the awarding of grants under paragraph (3), the Secretary may extend the deadlines for the submission of applications and the awarding of grants.

(b) ELIGIBILITY CRITERIA.—To be qualified to receive assistance under this section, an eligible consortium shall—

(1) be organized for the purpose of designing and developing electric vehicles and advanced transportation systems, or related systems or equipment, or for the purpose of enabling serial production processes;

(2) facilitate the participation in the consortium of small- and medium-sized businesses in conjunction with large established manufacturers, as appropriate;

(3) to the extent practicable, include participation in the consortium of defense and aerospace suppliers and manufacturers;

(4) to the extent practicable, include participation in the consortium of entities located in areas designated as nonattainment areas under the Clean Air Act;

(5) be designed to use State and Federal funding to attract private capital in the form of grants or investments to further the purposes stated in paragraph (1); and

(6) ensure that at least 50 percent of the costs of the consortium, subject to the requirements of subsection (a)(3), be provided by non-Federal sources.

(c) SERVICES.—Services to be performed by an eligible consortium using amounts from grants made available under this part shall include—

(1) obtaining funding for the acquisition of plant sites, conversion of plant facilities, and acquisition of equipment for the development or manufacture of advanced transportation systems or electric vehicles, or other related systems or equipment, especially for environmentally benign and cost-effective manufacturing processes;

(2) obtaining low-cost, long-term loans or investments for the purposes described in paragraph (1);

(3) recruiting and training individuals for electric vehicle- and transit-related technical design, manufacture, conversion, and maintenance;

(4) conducting marketing surveys for services provided by the consortium;

(5) creating electronic access to an inventory of industry suppliers and serving as a clearinghouse for such information;

(6) consulting with respect to applicable or proposed Federal motor vehicle safety standards;

(7) creating access to computer architecture needed to simulate crash testing and to design internal subsystems and related infrastructure for electric vehicles and advanced transportation systems to meet applicable standards; and

(8) creating access to computer protocols that are compatible with larger manufacturers' systems to enable small- and medium-sized suppliers to compete for contracts for advanced transportation systems and electric vehicles and other related systems and equipment.

SEC. 6072. DEFINITIONS.

For purposes of this part, the following definitions apply:

(1) ADVANCED TRANSPORTATION SYSTEM.—The term "advanced transportation system" means a system of mass transportation, such as an electric trolley bus or alternative fuels bus, which employs advanced technology in order to function cleanly and efficiently;

(2) ELECTRIC VEHICLE.—The term "electric vehicle" means a passenger vehicle, such as a van, primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current, and that may include a nonelectrical source of supplemental power; and

(3) ELIGIBLE CONSORTIUM.—The term "eligible consortium" means a consortium of—

(A) businesses incorporated in the United States;

(B) public or private educational or research organizations located in the United States;

(C) entities of State or local governments in the United States; or

(D) Federal laboratories.

SEC. 6073. FUNDING.

Funds shall be made available to carry out this part as provided in section 21(b)(3)(E) of the Federal Transit Act.

TITLE VII—AIR TRANSPORTATION

SEC. 7001. SHORT TITLE.

This title may be cited as the "Metropolitan Washington Airports Act Amendments of 1991".

SEC. 7002. BOARD OF REVIEW.

(a) COMPOSITION.—Section 6007(f)(1) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(f)(1)) is amended to read as follows:

"(1) COMPOSITION.—The board of directors shall be subject to review of its actions and to requests, in accordance with this subsection, by a Board of Review of the Airports Authority. The Board of Review shall be established by the board of directors to represent the interests of users of the Metropolitan Washington Airports and shall be composed of 9 members appointed by the board of directors as follows:

"(A) 4 individuals from a list provided by the Speaker of the House of Representatives.

"(B) 4 individuals from a list provided by the President pro tempore of the Senate.

"(C) 1 individual chosen alternately from a list provided by the Speaker of the House of Representatives and from a list provided by the President pro tempore of the Senate.

In addition to the recommendations on a list provided under this paragraph, the board of directors may request additional recommendations.".

(b) TERMS AND QUALIFICATIONS.—Section 6007(f)(2) of such Act is amended to read as follows:

"(2) TERMS, VACANCIES, AND QUALIFICATIONS.—

"(A) TERMS.—Members of the Board of Review appointed under paragraphs (1)(A) and (1)(B) shall be appointed for terms of 6 years. Members of the Board of Review appointed under paragraph (1)(C) shall be appointed for terms of 2 years. A member may serve after the expiration of that member's term until a successor has taken office.

"(B) VACANCIES.—A vacancy in the Board of Review shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

"(C) QUALIFICATIONS.—Members of the Board of Review shall be individuals who have experience in aviation mat-

ters and in addressing the needs of airport users and who themselves are frequent users of the Metropolitan Washington Airports. A member of the Board of Review shall be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

"(D) Effect of more than 4 vacancies.—At any time that the Board of Review established under this subsection has more than 4 vacancies and lists have been provided for appointments to fill such vacancies, the Airports Authority shall have no authority to perform any of the actions that are required by paragraph (4) to be submitted to the Board of Review.".

(c) Procedures.—Section 6007(f)(3) of such Act is amended by inserting "and for the selection of a Chairman" after "proxy voting".

(d) Review Procedure.—

(1) Actions subject to review.—Section 6007(f)(4)(B) of such Act is amended—

(A) by inserting "and any amendments thereto" before the semicolon at the end of clause (i);

(B) by inserting "and an annual plan for issuance of bonds and any amendments to such plan" before the semicolon at the end of clause (ii);

(C) in clause (iv) by striking ", including any proposal for land acquisition; and" and inserting a semicolon;

(D) by striking the period at the end of clause (v) and inserting a semicolon; and

(E) by adding at the end the following new clauses:

"(vi) the award of a contract (other than a contract in connection with the issuance or sale of bonds which is executed within 30 days of the date of issuance of the bonds) which has been approved by the board of directors of the Airports Authority;

"(vii) any action of the board of directors approving a terminal design or airport layout or modification of such design or layout; and

"(viii) the authorization for the acquisition or disposal of land and the grant of a long-term easement.".

(2) Recommendations.—Section 6007(f)(4) of such Act is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

"(C) Recommendations.—The Board of Review may make to the board of directors recommendations regarding an action within either (i) 30 calendar days of its submission under this paragraph; or (ii) 10 calendar days (excluding Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days) of its submission under this paragraph; whichever period is longer. Such recommendations may include a recommendation that the action not take effect. If the Board of Review does not make a recommendation in the applicable review period under this subparagraph or if at any time in such review period the

Board of Review decides that it will not make a recommendation on an action, the action may take effect.

"(D) EFFECT OF RECOMMENDATION.—

"(i) RESPONSE.—An action with respect to which the Board of Review has made a recommendation in accordance with subparagraph (C) may only take effect if the board of directors adopts such recommendation or if the board of directors has evaluated and responded, in writing, to the Board of Review with respect to such recommendation and transmits such action, evaluation, and response to Congress in accordance with clause (ii) and the 60-calendar day period described in clause (ii) expires.

"(ii) NONADOPTION OF RECOMMENDATION.—If the board of directors does not adopt a recommendation of the Board of Review regarding an action, the board of directors shall transmit to the Speaker of the House of Representatives and the President of the Senate a detailed description of the action, the recommendation of the Board of Review regarding the action, and the evaluation and response of the board of directors to such recommendation, and the action may not take effect until the expiration of 60 calendar days (excluding Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days) beginning on the day on which the board of directors makes such transmission to the Speaker of the House of Representatives and the President of the Senate.

"(E) LIMITATION ON EXPENDITURES.—Unless an annual budget for a fiscal year has taken effect in accordance with this paragraph, the Airports Authority may not obligate or expend any money in such fiscal year, except for (i) debt service on previously authorized obligations, and (ii) obligations and expenditures for previously authorized capital expenditures and routine operating expenses.".

(3) CONFORMING AMENDMENT.—Section 6007(f)(4) of such Act is further amended by striking "DISAPPROVAL PROCEDURE.—" and inserting "REVIEW PROCEDURE.—".

(e) CONGRESSIONAL DISAPPROVAL PROCEDURE.—Section 6007(f) of such Act is amended by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) CONGRESSIONAL DISAPPROVAL PROCEDURE.—

"(A) IN GENERAL.—This paragraph is enacted by Congress—

"(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rule of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this para-

graph; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(ii) with full recognition of the constitutional right of either House to change the rule (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(B) RESOLUTION DEFINED.—For the purpose of this paragraph, the term 'resolution' means only a joint resolution, relating to an action of the board of directors transmitted to Congress in accordance with paragraph (4)(D)(ii), the matter after the resolving clause of which is as follows: 'That the Congress disapproves of the action of the board of directors of the Metropolitan Washington Airports Authority described as follows: .', the blank space therein being appropriately filled. Such term does not include a resolution which specifies more than one action.

"(C) REFERRAL.—A resolution with respect to a board of director's action shall be referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the House of Representatives or the President of the Senate, as the case may be.

"(D) MOTION TO DISCHARGE.—If the committee to which a resolution has been referred has not reported it at the end of 20 calendar days after its introduction, it is in order to move to discharge the committee from further consideration of that joint resolution or any other resolution with respect to the board of directors action which has been referred to the committee.

"(E) RULES WITH RESPECT TO MOTION.—A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. Motions to postpone shall be decided without debate.

"(F) EFFECT OF MOTION.—If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

"(G) SENATE PROCEDURE.—

"(i) MOTION TO PROCEED.—When the committee of the Senate has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion

is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(ii) LIMITATION ON DEBATE.—Debate in the Senate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(iii) NO DEBATE ON CERTAIN MOTIONS.—In the Senate, motions to postpone made with respect to the consideration of a resolution and motions to proceed to the consideration of other business shall be decided without debate.

"(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution shall be decided without debate.

"(H) EFFECT OF ADOPTION OF RESOLUTION BY OTHER HOUSE.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

"(i) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it, except in the case of final passage as provided in clause (ii)(I).

"(ii) With respect to a joint resolution described in clause (i) of the House receiving the joint resolution—

"(I) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(II) the vote on final passage shall be on the joint resolution of the other House.

Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.".

(f) CONFLICTS OF INTEREST; REMOVAL FOR CAUSE.—Section 6007(f) of such Act is further amended by adding at the end the following new paragraphs:

"(10) CONFLICTS OF INTEREST.—In every contract or agreement to be made or entered into, or accepted by or on behalf of the Airports Authority, there shall be inserted an express condition that no member of a Board of Review shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

"(11) REMOVAL.—A member of the Board of Review shall be subject to removal only for cause by a two-thirds vote of the board of directors.".

(g) LIMITATION ON AUTHORITY.—Section 6007(h) of such Act is amended by inserting "thereafter" before "shall have no".

(h) REVIEW OF CONTRACTS.—Section 6007 of such Act is further amended by adding at the end the following new subsection:

"(i) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review contracts of the Airports Authority to determine whether such contracts were awarded by procedures which follow sound Government contracting principles and are in compliance with section 6005(c)(4) of this title. The Comptroller General shall submit periodic reports of the conclusions reached as a result of such review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.".

SEC. 7003. AMENDMENT OF LEASE.

The Secretary of Transportation may amend the lease entered into with the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Authority Act of 1986 to secure the Airports Authority's consent to the conditions relating to the new Board of Review to be established pursuant to the amendments made by this Act.

SEC. 7004. TERMINATION OF EXISTING BOARD OF REVIEW AND ESTABLISHMENT OF NEW BOARD OF REVIEW.

(a) TERMINATION OF EXISTING BOARD AND ESTABLISHMENT OF NEW BOARD.—Except as provided in subsection (b), the Board of Review of the Metropolitan Washington Airports Authority in existence on the day before the date of the enactment of this Act shall terminate on such date of enactment and the board of directors of such Airports Authority shall establish a new Board of Review in accordance with the Metropolitan Washington Airports Act of 1986, as amended by this Act.

(b) PROTECTION OF CERTAIN ACTIONS.—The provisions of section 6007(h) of the Metropolitan Washington Airports Act (49 U.S.C. App. 2456(h)) in effect on the day before the date of the enactment of this Act shall apply only to those actions specified in section 6007(f)(4)(B) of such Act that would have been submitted to the Board of Review of the Metropolitan Washington Airports Authority on or after June 17, 1991, the date on which the Board of Review of the Airports Authority was declared unable to carry out certain of its functions pursuant to judicial order. Actions taken by the Airports Authority and submitted to the Board of Review pursuant to section 6007(f)(4) of such Act prior to June 17, 1991, and not disapproved, shall remain in effect and shall not be set aside solely by reason of a judicial order invalidating certain functions of the Board of Review.

(c) LIMITATION ON AUTHORITY OF AIRPORTS AUTHORITY.—The Metropolitan Washington Airports Authority shall have no authority to perform any of the actions that are required by section 6007(f)(4) of the Metropolitan Washington Airports Act, as amended by this Act, to be submitted to the Board of Review after the date of the enactment of this Act until the board of directors of the Airports Authority establishes a new Board of Review in accordance with such Act and appoints the 9 members of the Board of Review.

TITLE VIII—EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND

SEC. 8001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Surface Transportation Revenue Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 8002. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES.—The following provisions are each amended by striking "1995" each place it appears and inserting "1999":

(1) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(2) Section 4071(d) (relating to tax on tires and tread rubber).

(3) Section 4081(d)(1) (relating to Highway Trust Fund financing rate on gasoline).

(4) Section 4091(b)(6)(A) (relating to Highway Trust Fund financing rate on diesel fuel).

(5) Sections 4481(c), 4482(c)(4), and 4482(d) (relating to highway use tax).

(b) EXTENSION OF EXEMPTIONS.—The following provisions are each amended by striking "1995" each place it appears and inserting "1999":

(1) Section 4041(f)(3) (relating to exemptions for farm use).

(2) Section 4041(g) (relating to other exemptions).

(3) Section 4221(a) (relating to certain tax-free sales).

(4) Section 4483(g) (relating to termination of exemptions for highway use tax).

(5) Section 6420(h) (relating to gasoline used on farms).

(6) Section 6421(i) (relating to gasoline used for certain nonhighway purposes, etc.).

(7) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(8) Section 6427(o) (relating to fuels not used for taxable purposes).

(c) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) (relating to floor stocks refunds) is amended—

(A) by striking "1995" each place it appears and inserting "1999", and

(B) by striking "1996" each place it appears and inserting "2000".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Section 6156(e)(2) (relating to installment payments of highway use tax on use of highway motor vehicles) is amended by striking "1995" and inserting "1999".

(d) EXTENSION OF DEPOSITS INTO, AND CERTAIN TRANSFERS FROM, TRUST FUND.—

(1) IN GENERAL.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 (relating to the Highway Trust Fund) are each amended—

(A) by striking "1995" each place it appears and inserting "1999", and

(B) by striking "1996" each place it appears and inserting "2000".

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (4)(A)(i) and (5)(A) of section 9503(c) are each amended by striking "1995" and inserting "1997".

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–11) is amended—

(i) by striking "1995" and inserting "1997", and

(ii) by striking "1996" each place it appears and inserting "1998".

(C) EXTENSION OF EXPENDITURES FROM BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 is amended by striking "1994" and inserting "1998".

(e) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUND.—

(1) EXPENDITURES.—Subsections (c)(1) and (e)(3) of section 9503 are each amended by striking "1993" and inserting "1997".

(2) PURPOSES.—Paragraph (1) of section 9503(c) is amended by striking subparagraph (D) and inserting the following:

"(D) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Efficiency Act of 1991.

In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991."

(f) EXPANSION OF MASS TRANSIT ACCOUNT EXPENDITURE PURPOSES.—Paragraph (3) of section 9503(e) is amended—

(1) by inserting "or capital-related" after "capital" the first place it appears, and

(2) by striking "in accordance with section 21(a)(2) of the Urban Mass Transportation Act of 1964." and inserting "in accordance with—

"(A) paragraph (1) or (3) of subsection (a), or paragraph (1) or (3) of subsection (b), of section 21 of the Federal Transit Act, or

"(B) the Intermodal Surface Transportation Efficiency Act of 1991,

as such Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991."

(g) USE OF REVENUES FOR ENFORCEMENT OF HIGHWAY TRUST FUND TAXES.—The Secretary of Transportation shall not impose any condition on the use of funds transferred under section 1040 of this Act to the Internal Revenue Service. The Secretary of the Treas-

ury shall, at least 60 days before the beginning of each fiscal year (after fiscal year 1992) for which such funds are to be transferred, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 9503(b)(1) of the Internal Revenue Code of 1986.

(h) TAX EVASION REPORT.—The Secretary of Transportation shall also submit each report prepared pursuant to section 1040(d) of this Act to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than the applicable date specified therein.

(i) EXPENDITURES FROM SPORT FISH RESTORATION ACCOUNT.—Subparagraph (B) of section 9504(b)(2) is amended to read as follows:

> *"(B) to carry out the purposes of the Coastal Wetlands Planning, Protection and Restoration Act (as in effect on November 29, 1990)."*

SEC. 8003. NATIONAL RECREATIONAL TRAILS TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. NATIONAL RECREATIONAL TRAILS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "National Recreational Trails Trust Fund", consisting of such amounts as may be credited or paid to such Trust Fund as provided in this section, section 9503(c)(6), or section 9602(b).

"(b) CREDITING OF CERTAIN UNEXPENDED FUNDS.—There shall be credited to the National Recreational Trails Trust Fund amounts returned to such Trust Fund under section 1302(e)(8) of the Intermodal Surface Transportation Efficiency Act of 1991.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the National Recreational Trails Trust Fund shall be available, as provided in appropriation Acts, for making expenditures before October 1, 1997, to carry out the purposes of sections 1302 and 1303 of the Intermodal Surface Transportation Efficiency Act of 1991, as in effect on the date of the enactment of such Act."

(b) CERTAIN HIGHWAY TRUST FUND RECEIPTS PAID INTO NATIONAL RECREATIONAL TRAILS TRUST FUND.—Subsection (c) of section 9503 is amended by adding at the end thereof the following new paragraph:

"(6) TRANSFERS FROM TRUST FUND OF CERTAIN RECREATIONAL FUEL TAXES, ETC.—

"(A) IN GENERAL.—The Secretary shall pay from time to time from the Highway Trust Fund into the National Recreational Trails Trust Fund amounts (as determined by him) equivalent to 0.3 percent (as adjusted under subparagraph (C)) of the total Highway Trust Fund receipts for the period for which the payment is made.

"(B) LIMITATION.—The amount paid into the National Recreational Trails Trust Fund under this paragraph during any fiscal year shall not exceed the amount obligat-

ed under section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (as in effect on the date of the enactment of this paragraph) for such fiscal year to be expended from such Trust Fund.

"(C) ADJUSTMENT OF PERCENTAGE.—

"(i) FIRST YEAR.—Within 1 year after the date of the enactment of this paragraph, the Secretary shall adjust the percentage contained in subparagraph (A) so that it corresponds to the revenues received by the Highway Trust Fund from nonhighway recreational fuel taxes.

"(ii) SUBSEQUENT YEARS.—Not more frequently than once every 3 years, the Secretary may increase or decrease the percentage established under clause (i) to reflect, in the Secretary's estimation, changes in the amount of revenues received in the Highway Trust Fund from nonhighway recreational fuel taxes.

"(iii) AMOUNT OF ADJUSTMENT.—Any adjustment under clause (ii) shall be not more than 10 percent of the percentage in effect at the time the adjustment is made.

"(iv) USE OF DATA.—In making the adjustments under clauses (i) and (ii), the Secretary shall take into account data on off-highway recreational vehicle registrations and use.

"(D) NONHIGHWAY RECREATIONAL FUEL TAXES.—For purposes of this paragraph, the term 'nonhighway recreational fuel taxes' means taxes under section 4041, 4081, and 4091 (to the extent attributable to the Highway Trust Fund financing rate) with respect to—

"(i) fuel used in vehicles on recreational trails or back country terrain (including vehicles registered for highway use when used on recreational trails, trail access roads not eligible for funding under title 23, United States Code, or back country terrain), and

"(ii) fuel used in campstoves and other non-engine uses in outdoor recreational equipment.

Such term shall not include small-engine fuel taxes (as defined by paragraph (5)) and taxes which are credited or refunded.

"(E) TERMINATION.—No amount shall be paid under this paragraph after September 30, 1997.".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 is amended by adding at the end thereof the following new item:

"Sec. 9511. National Recreational Trails Trust Fund."

(d) REPORT ON NONHIGHWAY RECREATIONAL FUEL TAXES.—The Secretary of the Treasury shall, within a reasonable period after the close of each of fiscal years 1992 through 1996, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate specifying his estimate of the amount of nonhighway recreational fuel taxes (as defined in section 9503(c)(6) of the Internal Revenue Code of 1986, as added by this Act) received in the Treasury during such fiscal year.

SEC. 8004. COMMUTE-TO-WORK BENEFITS.

(a) FINDINGS.—The Congress finds that—

(1) current Federal policy places commuter transit benefits at a disadvantage compared to drive-to-work benefits;

(2) this Federal policy is inconsistent with important national policy objectives, including the need to conserve energy, reduce reliance on energy imports, lessen congestion, and clean our Nation's air;

(3) commuter transit benefits should be part of a comprehensive solution to national transportation and air pollution problems;

(4) current Federal law allows employers to provide only up to $21 per month in employee benefits for transit or van pools;

(5) the current "cliff provision", which treats an entire commuter transit benefit as taxable income if it exceeds $21 per month, unduly penalizes the most effective employer efforts to change commuter behavior;

(6) employer-provided commuter transit incentives offer many public benefits, including increased access of low-income persons to good jobs, inexpensive reduction of roadway and parking congestion, and cost-effective incentives for timely arrival at work; and

(7) legislation to provide equitable treatment of employer-provided commuter transit benefits has been introduced with bipartisan support in both the Senate and House of Representatives.

(b) POLICY.—The Congress strongly supports Federal policy that promotes increased use of employer-provided commuter transit benefits. Such a policy "levels the playing field" between transportation modes and is consistent with important national objectives of energy conservation, reduced reliance on energy imports, lessened congestion, and clean air.

SEC. 8005. BUDGET COMPLIANCE.

(a) IN GENERAL.—If obligations provided for programs pursuant to this Act for fiscal year 1992 will cause—

(1) the total outlays in any of the fiscal years 1992 through 1995 which result from this Act, to exceed

(2) the total outlays for such programs in any such fiscal year which result from appropriation Acts for fiscal year 1992 and are attributable to obligations for fiscal year 1992,

then the Secretary of Transportation shall reduce proportionately the obligations provided for each program pursuant to this Act for fiscal year 1992 to the extent required to avoid such excess outlays.

(b) COORDINATION WITH OTHER PROVISIONS.—The provisions of this section shall apply, notwithstanding any provision of this Act to the contrary.

And the Senate agree to the same.

From the Committee on Public Works and Transportation for consideration of the entire House bill (except title VII), the entire Senate amendment, and modifications committed to conference:

ROBERT A. ROE,
GLENN M. ANDERSON,

Norman Y. Mineta,
James L. Oberstar,
Henry J. Nowak,
Nick Rahall,
Douglas Applegate,
Ron de Lugo,
Gus Savage,
Robert A. Borski,
Joe Kolter,
John Paul Hammerschmidt,
Bud Shuster,
William F. Clinger,
Thomas E. Petri,
Ron Packard,
Sherwood Boehlert,
Helen Delich Bentley,

From the Committee on Ways and Means, for consideration of title VII of the House bill, and secs. 140E, 141 through 144, 271(b)(12), and 305 of the Senate amendment, and modifications committed to conference:

Dan Rostenkowski,
Sam Gibbons,
J.J. Pickle,
Charles B. Rangel,
Pete Stark,
Guy Vander Jagt,

As additional conferees from the Committee on the Judiciary, for consideration of sec. 409 of the House bill, and sec. 238 and title IV of the Senate amendment, and modifications committed to conference:

Jack Brooks,
Don Edwards,
Barney Frank,
Hamilton Fish, Jr.,
Carlos J. Moorhead,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of secs. 141 (a) and (e), 202, 317, 405, 502, 601, 604 through 609, 616 through 618, 651 through 659, and 671 through 673 of the House bill, and secs. 103(b) (9) and (10), 106(a), 107, 115, 116, 127(g), 136(b), 203(e), 204, 232(a), 329, and 341 of the Senate amendment, and modifications committed to conference:

George E. Brown, Jr.,
Tim Valentine,
Dan Glickman,
Tom Lewis
(Except Sections 103(b)(9) and 116),

As additional conferees from the Committee on Government Operations, for consideration of title IV of the Senate amendment and modifications committed to conference:

John Conyers, Jr.,
Frank Horton,
Managers on the Part of the House.

From the Committee on Environment and Public Works:

DANIEL PATRICK MOYNIHAN,
QUENTIN BURDICK,
GEORGE MITCHELL,
FRANK R. LAUTENBERG,
HARRY REID,
JOHN H. CHAFEE,
STEVE SYMMS,
JOHN WARNER,
DAVE DURENBERGER,

From the Committee on Commerce, Science, and Transportation:

J. JAMES EXON,
RICHARD H. BRYAN,
JOHN DANFORTH,
SLADE GORTON,

From the Committee on Banking, Housing, and Urban Affairs:

DON RIEGLE,
ALAN CRANSTON,
PAUL SARBANES,
CHRISTOPHER S. BOND,
ALFONSE D'AMATO,

From the Committee on Finance:

LLOYD BENTSEN,
DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
BOB PACKWOOD,
BOB DOLE,

From the Committee on Governmental Affairs, only for the consideration of the Uniform Relocation Act Amendment:

JOHN GLENN,
CARL LEVIN,
BILL ROTH,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

PROGRAM STRUCTURE

House bill

The House bill restructures the four major Federal-aid highway systems plus the two safety construction programs (hazard elimination and railroad highway crossings) into five new programs; the National Highway Program, Urban Mobility Program, Rural Mobility Program, Combined Safety Improvement Program, and State Flexible Program.

The State Flexible Program is available to the state for any highway or transit capital projects in urban or rural areas. The urban and rural mobility programs are available for highway and transit capital projects. A state is able to transfer up to 25 percent of its National Highway Program apportionment to its Urban or Rural Mobility Program without conditions, and up to an additional 10 percent with the Secretary's approval if the state can demonstrate that its Interstate System is being maintained. A state may transfer 100 percent of the funds apportioned under the National Highway Program if over 90 percent of the land area of the state is within nonattainment areas.

The National Highway System consists of the Interstate System, the Strategic Highway Network, and principal arterial routes from the primary system. The Secretary through coordination with state and local governments will propose a National Highway System of 155,000 miles that could be adjusted by 15 percent. The National Highway System designation requires approval by Congress.

The Urban Mobility Program consists of the existing Federal-aid urban system and principal arterial routes in urban areas that are not a part of the National Highway System. Funds made available under the urban mobility program may be used for the construction of highway projects and transit capital projects. The Metropolitan Planning Organization (MPO) in the urban area has the authority, along with the state, to determine its transportation priorities.

The Rural Mobility Program consists of the existing Federal-aid secondary system and the arterials not on the National Highway System. Eligibility is provided for transit capital projects. The Federal-aid primary system rural mileage that does not meet the National Highway System criteria is eligible for inclusion in the Rural System. About 125,000–150,000 miles is expected to be added to the existing secondary system to constitute a 525,000–550,000 mile rural Federal-aid system. Roads functionally classified as rural minor collector or rural local are not eligible for inclusion in this rural Federal-aid system; however, funding for off system safety and bridge improvements are eligible under other programs.

The State Flexible Program is an innovative program that for the first time provides each state with funds that can be used for any highway or transit capital purpose eligible under Federal law. The state can use these funds for any purpose that is eligible under the National Highway Program, the Urban Mobility Program, the Rural Mobility Program, or the Combined Safety Improvement Program.

Each state is required to spend a percentage of these funds in clean air nonattainment areas equal to the percentage of its population living in nonattainment areas, up to 50 percent. Thus, if 30 percent of a state's population lives in nonattainment areas, the state would be required to spend at least 30 percent in nonattainment areas. If 70 percent of a state's population lives in nonattainment areas, at least 50 percent is required to be spent in nonattainment areas. These are minimum percentages; each state could choose to spend additional portions of its State Flexibility funds in these areas.

The Hazard Elimination and Rail-Highway Grade Crossings programs are combined into one flexible safety program, at an authorization level which represents 4% of the total funds authorized for the five new programs under the restructured highway program.

Within the combined program, the current funding levels of $160 million for Rail-Highway Crossings and $170 million for Hazard Elimination remain fixed, and any additional amount is available for funding eligible projects under either the Hazard Elimination or the Rail-Crossing programs, at the discretion of the state.

The restructured Federal-aid highway program funds the programs as follows: 49% to the National Highway System, 17% to Urban Mobility, 13% to Rural Mobility, 17% to State Flexible and 4% to the Combined Safety Improvement Program.

Senate amendment

This section establishes a new program that gives the States and local governments greater flexibility in using Federal funds to meet their transportation needs. Funds for the new program may be used for eligible projects on any public roads, except roads functionally, classified as local or rural minor collector, except as approved by the Secretary.

Eligible activities include construction, reconstruction, rehabilitation, resurfacing, restoration and operational improvements of highways including work necessary to accommodate other modes, painting and seismic retrofit of bridges, capital costs for mass transit (including improvements to bus shelters), passenger rail (including high speed rail) and magnetic levitation systems, carpool and vanpool projects, fringe and corridor parking facilities and programs, and bicycle facilities and programs; surface transportation safety improvements; surface transportation research and development programs; transportation enhancement activities as defined in 23 U.S.C. 101; and other activities. This section also authorizes the use of Surface Transportation Program funds to mitigate wetland loss related to past or future highway construction.

This section designates two types of regions in each state for the purpose of dividing Federal funds. The first type of region consists of areas with a Metropolitan Statistical Area population 250,000 or greater and areas with an urbanized area population of 50,000 or greater that are in nonattainment for ozone or carbon monoxide. The second type of region consists of all other areas. Seventy-five (75) percent of funds apportioned to a State under the Surface Transportation Program must be divided between these two types of areas based on their relative share of the State's total population. The remaining 25 percent may be distributed to any area of the State. At least 8 percent of the funds apportioned to a State must be programmed for transportation enhancement activities. Projects must be consistent with requirements for metropolitan planning in 23 U.S.C. 134 and statewide planning in 23 U.S.C. 135.

The basic federal share for projects under the Surface Transportation Program is 80 percent. If funds apportioned under this program are used to construct new facilities or expand existing facilities to be available primarily to single-occupant vehicles, the Federal share is 75 percent. If the State constructs a facility not available to single occupant vehicles and subsequently makes the facility available to single occupant vehicles, the State must repay with interest the increase in the Federal share of the project the State received by constructing a facility not available to single occupant vehicles.

The State must submit an annual certification that it will meet all requirements of this section. The State must also notify the Secretary of the amount of obligations it plans to incur for Surface Transportation Program projects during the fiscal year. Acceptance of the certification and notice of obligation constitutes a contractual obligation of the Federal Government for this estimated amount of obligations for projects not subject to review by the Secretary. The State may adjust the estimated obligation at a later date if it wants to obligate more or less funds. Payments will be made to the State for the Federal share of costs incurred on the subject.

Projects must be designed, constructed, operated and maintained in accordance with State laws, regulations, directives, safety standards, design standards and construction standards.

A State may inform the Secretary that it does not wish review and approval of design and construction standards for projects except for projects on the Interstate System and other multi-lane limited access control highways.

If the Secretary determines that a State or local government has not complied with a requirement of this section, the State will be notified and have 60 days to take corrective action. If corrective action is not taken within 60 days, future payments will be held until adequate corrective action is taken.

In a departure from the current system whereby funds are apportioned by category according to specific formula factors, funds for the Surface Transportation Program shall be apportioned such that they result in each State receiving a percent share of combined Bridge Program, Interstate Maintenance Program, and Surface Transportation Program funds equal to its percent share of total apportionments and allocations made pursuant to Title 23

U.S.C. for fiscal years 1987, 1988, 1989, 1990 and 1991, subject to certain exclusions and adjustments specified in the bill. The Bridge Program and Interstate Maintenance apportionment formulas thus serve principally to determine the amount of funds a State must devote to each program; the apportionment of Surface Transportation Program funds serves to make each State's percentage of Federal aid equal to its percentage under the five years of the 1987 Act.

Paragraph 133(b)(1)(A), which provides for an energy conservation congestion, mitigation and clean air bonus program, is to provide an incentive for States and metropolitan areas to use the enhanced flexibility in the Surface Transportation Program to reduce traffic congestion, improve air quality and lower fuel consumption. The paragraph alters the apportionment of funds under the Surface Transportation Program by rewarding affected States that control growth in vehicle miles of travel per capita and penalizing affected States that do not.

The provision affects only States with metropolitan areas of 250,000 or more and affects only the Surface Transportation Program funds allocated to metropolitan areas pursuant to section 106(b). Because only large urban areas can make significant cuts in growth of vehicle miles traveled, the provision only affects States with such communities.

By using vehicle miles of travel per capita, rather than absolute growth in VMT, the paragraph does not penalize States facing rapid population growth. Instead, it rewards those States which do a better job of managing growth. Thus, some States with the largest absolute growth in VMT (such as Nevada and Florida), have had slow growth in VMT per capita. The Secretary shall apply the most accurate and timely data available in measuring changes in VMT per capita under this paragraph.

This paragraph affects only the apportionment of Surface Transportation Program funds attributed to metropolitan areas pursuant to section 133(b)(1) of Title 23 U.S.C. The provision does not affect the State's 25 percent share of Surface Transportation Program funds or the funds suballocated to non-metropolitan areas under section 133(b)(1) of title 23 U.S.C. The paragraph provides that bonuses and funds redistributed from the Bonus Fund shall only be used in metropolitan areas and that they be obligated for projects in metropolitan areas within a State in accordance with section 133 of title 23 U.S.C.

The reallocation of funds provided for in the provision will only come into operation after it is determined that one or more of the States subject to this paragraph has VMT per capita in excess of 110 percent of such State's VMT in 1990 (or 110 percent of 1995 levels commencing in fiscal year 1996). If every State maintains its current VMT per capita, the provision will not affect the apportionments.

However, if one or more States subject to this paragraph has VMT per capita in excess of 110 percent of their 1990 levels (or 1995 levels commencing in 1996), the Secretary is required to reduce the metropolitan area funds which would have been allocated to those States by 10 percent. The reduction funds are then placed into a Surface Transportation Bonus Fund which used to reward States that reduce their VMT per capita to less than 90 percent of 1990 levels in the same year. For example, if a State reduced its VMT per capita to 85 percent of its 1990 level, and several other States allowed increases in VMT per capita in excess of 110 percent of 1990 levels, the State with the reduction would be entitled to receive a bonus of up to 10 percent of its base metropolitan area apportionment, to the extent such funds are available.

If funds remain available in the Bonus Fund after bonuses have been awarded, the remaining funds are redistributed to the metropolitan areas of all States subject to the provision, whether they received a bonus, a reduction, or were unaffected by the provision. The amount each State receives is determined by each State's relative share of all metropolitan area funds allocated.

The provision applies beginning in fiscal year 1993 because of the ongoing development of methodologies to improve the measurement of VMT on road systems within a State. Such methodologies are expected to be available by 1993.

Beginning in fiscal year 1996, the paragraph provides for using 1995 as the base year to measure percentage changes in VMT per capita. This provision is intended to provide a continuing incentive for States which receive bonuses to do a better job over time.

Section 106(c) provides that the Federal share of capital projects that add capacity available to single occupant vehicles is 75 percent. The Federal share for all other projects including projects for high occupancy vehicles that permit single occupant vehicle use during the off-peak periods is 80 percent of the cost of construction. The Secretary will issue guidance on how to determine what portion of a project qualifies for an 80 percent Federal share.

23 U.S.C. 133(b)(2) requires the Secretary to find that the programming and expenditure of funds under section 106 of this bill is consistent with the requirements of section 134. Subsection 133(b)(3) requires that the Secretary also to find that the programming and expenditure of funds for projects in non-metropolitan areas is consistent with the statewide planning requirements of section 135 of this title.

23 U.S.C. 133(c) states the procedures the Secretary must follow in the event the Secretary determines through the certification review process that a State or local government does not comply with any provision of section 106 of this bill, including the requirement to program and expend funds in a manner consistent with the long range plan and the TIP required by section 134, and the planning requirements of section 135. These procedures require the Secretary to give notice to the State or local government of its failure to comply, and to give the State or local government 60 days to take corrective action. If corrective measures are not taken after the 60-day period has elapsed, the Secretary will not be able to certify that the provisions of section 133 have been complied with, and would have to take actions pursuant to section 134(e)(3).

23 U.S.C. 133(b)(6) requires that States assure equitable distribution of urban Surface Transportation Program funds among metropolitan and nonattainment areas based on relative population. The subsection, however, creates an exception to this general rule where a State and the relevant metropolitan planning organiza-

tions "jointly apply to the Secretary for permission to do so and the Secretary grants the request."

Conference substitute

Adopts the Senate provision with modifications.

PROJECT ELIGIBILITY

House bill

The House bill, for the National Highway System, makes eligible for funding: those activities allowed under current law, including construction, reconstruction, resurfacing, restoration, and rehabilitation; operational improvements; startup costs for traffic management and control; and participation in wetland mitigation banks.

For the Federal-aid mobility systems, the House bill makes eligible for funding: those activities allowed under current law, including construction, reconstruction, resurfacing, restoration, and rehabilitation; highway safety projects; operational improvements; startup costs for traffic management and control; and participation in wetland mitigation banks; and transit.

Senate bill

The Senate bill, for the Surface Transportation Program, makes eligible for funding: those activities allowed under current law, including construction, reconstruction, resurfacing, restoration, and rehabilitation; highway safety projects; off-system bridges; capital costs for mass transit and passenger rail; certain operating costs for Amtrak; bus terminals; magnetic levitation systems; contracted passenger rail costs; transportation enhancement activities; transportation control measures listed in the Clean Air Act; incremental costs of alternative fuels school buses; wetlands mitigation; and any other purpose approved by the Secretary.

Conference substitute

The conference substitute makes eligible for funding: those activities allowed under current law, including construction, reconstruction, resurfacing, restoration, and rehabilitation; highway safety projects; off-system bridges; capital costs for mass transit; bus terminals; certain transportation control measures listed in the Clean Air Act; and wetlands mitigation activities. In certain instances, passenger rail operations provide significant mass transit services. The conferees do not intend to preclude consideration of passenger rail capital costs where those operations provide significant commuter service on a regular basis.

WETLANDS MITIGATION

House bill

Section 108(a) of the House bill amends 23 U.S.C. 103(i) and adds a new subsection (j) to include authority to use highway trust fund money for participation in wetlands mitigation banks and statewide programs to create, conserve, or enhance wetland habitat, including development of statewide mitigation plans and State or regional wetlands conservation and enhancement banks. Contributions may occur in advance of specific project activity to build up credit for future projects which may impact wetlands. Participation in this program does not exempt any highway project from any requirements of Federal law.

Senate amendment

Section 106 of the Senate amendment adds a new section 133 to Title 23 of the U.S. Code, including the authority to use Surface Transportation Program Funds as part of a highway construction project, or as a separate effort, to mitigate wetland loss related to highway construction or to contribute to statewide efforts to conserve and restore wetlands adversely affected by highway construction. Efforts must comply with applicable requirements of and regulations under Federal law. Efforts may include development of statewide wetland conservation plans and other state or regional efforts to conserve and restore wetlands. Contributions may occur in advance of specific highway construction activity only if the state has a planning process which precludes the use of such efforts to influence the environmental assessment of the highway project, decisions related to the need for the project, or the selection of the project design or location.

Conference substitute

The Conference Substitute authorizes the use of Federal transportation funds for wetlands mitigation efforts, including participation in wetlands mitigation banks, consistent with all applicable Federal law and regulations. Mitigation efforts should be undertaken through the application of guidelines promulgated pursuant to Section 404(b)(1) of the Federal Water Pollution Control Act and relevant interagency Memoranda of Agreement. The Managers note that the Section 404(b)(1) guidelines prohibit discharges into aquatic ecosystems, including wetlands, if there is a practicable alternative to the discharge. The guidelines also require appropriate and practicable steps be taken to minimize potential adverse impact upon the aquatic ecosystem. The current Memorandum of Agreement between the Corps of Engineers and the Environmental Protection Agency states that mitigation banking may be an acceptable form of compensatory mitigation depending on the specific circumstances.

The reference to "Federal law and regulations" in this paragraph includes, but is not limited to, the Endangered Species Act, the National Environmental Policy Act, the Federal Water Pollution Control Act, and any applicable regulation promulgated under such Acts.

It is the intent of the Managers that the mitigation efforts if consistent with all requirements of Federal law as described above, may include mitigation outside the acquired right of way and that funding may be made available under this section to carry out mitigation measures, prior to initiation of project construction.

It is the intent of the Managers that, to the extent practicable, mitigation of wetlands losses be undertaken through protection, restoration or creation of similar types of wetlands. For example, if a salt marsh is lost or degraded pursuant to a highway project, it is the intent of the Managers that preference would be given to the restoration of a salt marsh, rather than a fresh-water wetland.

DISADVANTAGED BUSINESS PROGRAM

House bill

Subsection (b) of Section 103 provides for the continuation of the Disadvantaged Business Enterprise program with an adjustment of the 3-year annual average gross receipts limit of $15.37 billion.

Subsection (c) authorizes the Office of the Comptroller General of the Federal Highway Administration to study the disadvantaged business program (DBE) graduation rate; the participation level of disadvantaged business enterprises with out-of-state contracts; training programs, the success rate; and performance and financial capabilities of DBE's. The Comptroller General shall transmit the report to Congress within 12 months after the date of enactment.

The Committee understands that there is no formal "graduation" from the federal highway Disadvantaged Business Enterprise (DBE) Program. In fact, the only way that a DBE is no longer eligible for the DBE program is if it exceeds the size standards, i.e. average gross revenues over three (3) years exceed $14 million. Thus, in using the term "graduation", the Committee is referring to those DBE firms who have essentially "grown out" of and are no longer eligible for the DBE program.

Since "growing out" of the DBE Program may be highly unlikely after just three (3) years, the Committee in B(i)(IV) directs the "Study" to determine just how many years is reasonable for a DBE to either "grow out" of the Program or no longer need it. Such determination should be made in light of an investigation of barriers DBEs presently face in successfully developing within the highway construction industry.

In addition, a determination of how long it takes a non-DBE to successfully compete in the highway construction field should be determined in order to further justify a definition of what is reasonable. The Study should take into account where the non-DBE gains access to bonding, capital, technical/management expertise, skilled labor and subcontracts and whether such contractor enjoys certain advantages in such areas over the average DBE.

B(i)(VI) directs the GAO to determine to what extent prime contractors continue to use DBEs once they have "graduated" from the program. This clause is to address the possibility that prime contractors do not utilize DBE firms unless there is a legislative requirement to do so.

B(i)(VII) seeks to direct the GAO to determine not only the additional costs incurred by the Federal Highway Administration in meeting the requirement of the DBE program but also whether such costs are offset by benefits of the program. Such benefits might include: additional tax revenues paid to the state by DBE firms; unemployment tax reduction; racial and gender diversity in the highway construction field; economic developing in disadvantaged communities as a result of increased capital to DBEs; and an increase in the number of skilled subcontractors in the highway construction field, thus providing for greater competition among such contractors in the future.

To enhance the evaluation of the disadvantaged business program, the Secretary shall include in the annual reports submitted to Congress, data on the level of participation of disadvantaged business enterprises to reflect the number and dollar awards to ethnic DBE's eligible under this program and the number and dollar awards to women DBE's.

Section 119. Disadvantaged Business Enterprises

This section provides for an ongoing Disadvantaged Business Enterprise (DBE) program. The section is a continuation of section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, which maintained the statutory authority originated in section 105(f) of the Surface Transportation Assistance Act of 1982.

The definition of a "Small Business Concern" has been modified to include an adjustment for inflation.

Senate amendment

Similar to House.

Conference substitute

Adopts the House provision.

SUBSTITUTE PROGRAM

House bill

The bill authorizes $240 million per fiscal year for each of the fiscal years 1992 through 1995 to complete the remaining Interstate substitute highway projects. This Interstate substitute highway funds are apportioned in accordance with cost estimates adjusted by the Secretary.

Funds are made available for the apportionment of Interstate substitute transit funds for fiscal years 1992 and 1993 in accordance with cost estimates adjusted by the Secretary.

Substitute funds are made available until expended.

Senate amendment

This section authorizes $240 million for each of fiscal years 1992 through 1995 for highway or transit assistance projects for the Interstate Substitution Program.

Conference substitute

Adopts the House provision.

APPORTIONMENTS

House bill

The House bill establishes new formulas to be applied to new federal-aid highway programs.

Senate amendment

The Senate amendment provides that each state will receive a percent of funds based on the percent received over the proceeding five year average.

Conference substitute

The Conference substitute includes a modification that provides each state with an amount of funding over six years that is consistent with their historical funding experience.

Program and Project Approval

House bill

The House provision directs the States to submit a program of proposed projects for the Secretary of Transportation's approval.

Senate amendment

The Senate amendment repeals section 105 of title 23, United States Code relating to programs.

Conference substitute

The House recedes to the Senate amendment.

Preconstruction Activities

House bill

Section 106(c) of title 23, U.S.C. is amended to provide for items included in estimates for construction engineering for a state for a fiscal year may not exceed 15 percent of the total estimated costs of Federal-aid projects.

The Secretary is required to consult with the states and report to Congress within two years a national list of rights-of-way that may be included in a Transportation Right-of-Way Land Bank in order to preserve vital transportation corridors. The states are permitted to use funds apportioned for the National Highway System, the urban mobility, and rural mobility systems to purchase right-of-way to preserve transportation corridors. Any right-of-way acquired under the provisions of this subsection may not be converted for non-transportation purposes.

Sentate amendment

The Senate amendment amends 23 U.S.C. 108 to make three changes to current law. First, the period within which construction must be commenced on a right-of-way funded from the right-of-way revolving fund is increased from 10 years to 20 years.

Second, costs incurred by a State to acquire rights-of-ways in advance of Federal approval of authorization and costs incurred to acquire land necessary to preserve environmental and scenic values may be reimbursed with Federal funds if certain conditions are satisfied.

Third, to conform section 108 of title 23 with the other title 23 changes being made by this legislation, this section eliminates the requirement that right-of-way revolving fund advances be for projects "on the Federal-aid system" and authorizes the use of the fund for projects such as passenger rail facilities, magnetic levitation systems, transportation corridor preservation, and long-term transportation planning.

Conference substitute

Adopts House provision.

LETTING OF CONTRACTS

House bill

This section amends section 112(b)(2) of title 23, U.S.C. to require that any audit of a contract or subcontract awarded as a part of a Federal-aid highway project shall be performed and audited in compliance with the cost principles contained in the Federal acquisition regulations of part 31 of title 48 C.F.R. The indirect cost rates established in accordance with Federal acquisition regulations shall apply for the purposes of contract estimation, negotiation, administration, report, and contract payment and shall not be limited by administrative or de facto ceilings.

The intent of these provisions is to establish a single and uniform audit procedure for qualifications based engineering and design services.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute establishes a pilot program for the implementation of single and uniform audit procedures for qualification based engineering and design services. The Secretary of Transportation may permit up to ten states to participate in the pilot program and report to Congress any recommendations for establishing a single and uniform audit procedure for qualifications based engineering and design services within two years.

CONVICT PRODUCED MATERIALS

House bill

The bill clarifies the intent of Congress that materials produced by convict labor after July 1, 1991, may not be used for Federal-aid highway construction projects unless produced at a prison facility producing convict made materials for Federal-aid construction projects prior to July 1, 1987.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

PERIOD OF AVAILABILITY

House bill

The House amendment provides one-year availability of Interstate Construction funds. After October 1, 1994, these funds would be available until expended. In general, non-Interstate funds will continue to be available for four years.

Senate amendment

The Senate amendment provides one-year availability of Interstate Construction funds. After October 1, 1994, these funds would be available until expended. Interstate Construction funds apportioned or allocated to Massachusetts on or before October 1, 1989, shall remain available until expended. Existing provisions relating to Alaska and Puerto Rico are continued.

Conference substitute

House recedes to the Senate.

FEDERAL SHARE

House bill

The House bill provides for a Federal share of 80 percent on non-Interstate Federal aid highway projects, and up to 100% for certain safety projects.

A Federal share of 90 percent is provided for Interstate construction and maintenance projects.

Senate bill

The Senate bill provides for a Federal share of up to 80 percent for all projects, with the exception of construction of new highway capacity not designed for high-occupancy vehicle use, in which case the Federal share would be up to 75 percent.

A Federal share of 90 percent is provided for Interstate construction.

Conference substitute

The conference substitute provides for a Federal share of up to 80 percent for all projects. A Federal share of 90 percent is provided for Interstate construction.

EMERGENCY RELIEF

House bill

The House extends from 90 days to 180 days the period to receive 100 percent funding for emergency repair work. The annual limitation imposed on the territories for receipt of emergency relief funds is increased from $5 million to $20 million. The Secretary is authorized to advance emergency relief funds to the State of Washington to repair a bridge damaged in November, 1990. Repayment is required if it is determined that the cause of the damage to the bridge was the result of human error. All provisions in this section will apply only to natural disaster and catastrophic failures occurring after enactment of this legislation.

Senate amendment

The Senate amendment contains no comparable provisions, with the exception of the aspect relating to the advance to the State of Washington which is substantially the same as the House bill.

Conference substitute

The conference substitute is the same as the House bill, with the exception that the provision concerning the State of Washington was not adopted. The repayment provision for Washington was resolved in the 1992 Appropriations bill.

GROSS VEHICLE WEIGHT RESTRICTION

House bill

Subsection (a), Continuation of Certain Longer Combination Vehicles, amends title 23 U.S.C. by adding a new substitution (d).

New subsection (d)(l) provides that except as provided in this subsection, no state may allow a longer combination vehicle to be operated on the Interstate System within its boundaries, without having its apportionment withheld under subsection (a).

New subsection (d)(2) permits a state to continue to allow to be operated on the Interstate System within its boundaries longer combination vehicles with configuration and weight if (a) the state determined on or before June 1, 1991 that such longer combination vehicles with such configuration and weight could lawfully operate on such system pursuant to a state statute or regulation in effect on June 1, 1991; and if the longer combination vehicles with such configuration and weight were in lawful operation on a regular or periodic basis (including seasonal operation or operation pursuant to a permit issued by the state; or if longer combination vehicles with such configuration and weight were in lawful operation on a regular or periodic basis on such System on or before June 1, 1991 pursuant to section 335 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2186); and (B) if all operations of longer combination vehicles with such configuration and weight on the Interstate System continue to be subject to, at a minimum, all state statutes, regulations, limitations, and conditions (including routing-specific and configuration specific designations and all other restrictions) in effect on June 1, 1991; except that subject to guidelines established by the Secretary, the state may make minor adjustments to routing-specific designations for safety purposes and for road construction purposes.

New subsection (d)(3) provides that in addition to the vehicles which may continue to operate in the State of Wyoming under (d)(2), such state may allow commercial motor vehicle combinations not in actual use on June 1, 1991 on the relevant system and highways by enactment of a state law on or before November 3, 1992. The state must notify the Secretary of enactment of such state law within 30 days and the Secretary must publish notice of the enactment of such law in the Federal Register.

New subsection (d)(4) provides that states may further restrict or prohibit vehicles covered by this provision, however, any such restriction or prohibition must be consistent with sections 411, 412, and 416 of the Surface transportation Assistance Act of 1982 (40 U.S.C. App. 2311, 2312, and 2316). Any such changes must be submitted to the Secretary. Such change must be published in the Federal Register by the Secretary.

New subsection (d)(5) requires that within 90 days after the effective date of this subsection (October 1, 1991) states must complete and file in writing with the Secretary a complete list of all state statutes, regulations, limitations and conditions governing the operation of these types of vehicles.

If the state fails to file within the specified time, the Secretary is given the authority to complete and file the list for the state.

The state is further required to certify in writing that the state had determined pursuant to a state statute on regulation in effect on June 1, 1991 that such longer combination vehicles could lawfully be operated on such relevant system and highways, and such combinations were in operation on a regular or periodic basis on such system and highways on or before June 1, 1991.

The Secretary is required to publish the list in the Federal Register. After publication the Secretary is required to review the certifications and may commence a proceeding, on the Secretary's own initiative or pursuant to a challenge by any person, to determine whether or not the state's certification is inaccurate. The state has the burden of proof.

If the Secretary determines the certification is inaccurate, the Secretary is required to amend the list published in the Federal Register.

This subsection also provides that no state statute or regulation shall be included on the list published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of longer combination vehicles not in actual operation on a regular or periodic basis on or before June 1, 1991.

This subsection further provides the lists published in the Federal Register shall become final on the 30th day after publication, with the exception of adjustments made pursuant to paragraphs 2(B) 3 and 4 and subparagraph (D) of paragraph 5.

New subsection (d)(6) requires the Secretary to issue regulations establishing guidelines for states to follow in making minor adjustments for safety or road construction purposes.

New subsection (d)(7) provides that nothing in this subsection should be construed to allow operation on the relevant system or highways of any Commercial Motor Vehicle prohibited under section 411(j) of the Surface Transportation Assistance Act of 1992 (49 U.S.C. App. 2311(j)).

New subsection (d)(8) provides that if a state allows a longer combination vehicle to be operated on the Interstate System within its boundaries in violation of this subsection, the state shall have its apportionment of funds withheld under subsection (a).

New subsection (d)(9) defines longer combination vehicle; it further requires that each state certify that it is complying with the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(j); and makes a conforming amendment.

Subsection (b) Interstate Route 68—amends Section 127 title 23 by adding at the end the following new subsection (e).

New subsection (e) provides that the single axle tandem axle, and bridge formula limits set forth in subsection (a) shall not apply to the operation on Interstate 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal and logs if such vehicle is of a type of vehicle as was operating in such counties on U.S. 40 or 48 for such purposes in calendar year 1991.

Subsection (c) makes a conforming amendment.

Subsection (d) requires the Secretary to conduct a study pertaining to transporters of water well drilling rigs on public highways to determine if state and federal requirements place a burden on them. The report is due 2 years after date of enactment.

Subsection (e)(1) provides for a waiver from the axle weight requirements and bridge formula for firefighting equipment. The waiver is for two years, but it may be extended for one additional year. The waiver applies to the Federal requirement.

Subsection (e)(2) provides that during the period in which the waiver is in effect, the Secretary is to conduct a study on this type of equipment and its regulations by the various states, including the issuance of permits by states. The purpose is to determine whether there is a need for a change in Federal and state laws with respect to such vehicles.

Subsection (e)(3) provides that a report on the study, together with the recommendations of the Secretary, shall be submitted to Congress within 18 months for the date of enactment.

Senate amendment

Section 138. Gross vehicle weight restrictions

Summary

This section adds a new subsection (d) to section 127 of title 23, U.S.C., to limit the use of Longer Combination Vehicles (LCV's) on the Interstate system to those places, and under the conditions now imposed, where they are allowed on or before June 1, 1991.

The responsibility for enforcing compliance with the new LCV limitation lies with the Secretary of Transportation, under section 141 of title 23.

The section defines an LCV as a truck tractor with two or more trailers or semi-trailers, with a gross vehicle weight of more than 80,000 pounds.

The provision will prevent any further expansion of the use of LCV's. The operation of LCV's on the Interstate system would be illegal unless: (a) they operate under 80,000 pounds gross vehicle weight; or (b) are found by the Secretary to be in "actual, continuing lawful operation" on or before June 1, 1991.

Included in the freeze on LCV operations are those now occurring in Wyoming, pursuant to a specific authorization in the fiscal year 1991 Department of Transportation and Related Agencies Appropriations Act. This section makes the Wyoming provisions in the Act permanent, subject to existing operating restrictions adopted by the State of Wyoming, and consistent with axle and bridge formula specifications in section 127 of title 23, United States Code.

Conference substitute

This section amends section 127 of title 23 by adding new subsections, (d) and (e), to prohibit the expansion of the use of longer combination vehicles on the Interstate system.

New subsection (d)(1) allows only those LCV configurations that were authorized by State statute or regulation and in lawful "regular or periodic" use on or before June 1, 1991. To be considered "regular or periodic" use, operations must have occurred at recurring intervals over a period of time. Moreover, periodic operations must have occurred on an intermittent but consistent basis. Use of an LCV on only one or two occasions pursuant to a special permit would not provide a basis for satisfactorily certifying grandfather rights or operations under this subsection. Seasonal LCV operations, if occurring on a recurring basis, would be allowed to continue. As specified in both the Senate and House provisions, certain LCV operations in the State of Wyoming, other than those that were in regular, periodic operation on or before June 1, 1991, would be allowed, if so directed by the State's voters not later than November 3, 1992. Additionally, limited exceptions to the restrictions of this subsection are provided for certain operations in the States of Ohio and Alaska. Other than those specifically referenced, no additional LCV operations that would otherwise be prohibited under this subsection may be allowed.

New subsection (d)(2) clarifies that States retain the ability to further restrict the use of LCV's, above and beyond the limitations imposed by this subsection. Any such restrictions must be consistent with applicable provisions of title 49. Under the terms of regulations to be promulgated by the Secretary, States are given the ability to make minor adjustments to LCV use of a temporary and emergency nature. The scope of such adjustments is intended to be temporary and very limited; for example, in the case of a bridge failure that would require the re-routing of traffic, including LCV's, to highways on which LCV operations would otherwise be prohibited.

New subsection (d)(3) establishes procedures for determining what specific operations are to be allowed. States are required to submit to the Secretary a list of all information pertaining to LCV use and limitations, including routing-specific and configuration-specific designations and all other restrictions, not later than 60 days after enactment. That information is to be published by the Secretary, and reviewed by the Secretary for accuracy. This review is not intended to provide for a rollback of lawful operations; it is intended to confirm that operations listed by the States were, on or before June 1, 1991, authorized by State statute or regulation, and that they were in regular or periodic operation on or before June 1, 1991. The list of this information, with necessary revisions, is to be published as final not later than 180 days after the date of enactment. Requirements are also established for review and correction of the final list. The provision makes it clear that, in order to be allowed to continue, LCV operations not only must have been authorized by State statute or regulation, but also in lawful regular or periodic operation on or before June 1, 1991.

New subsection (d)(4) defines longer combination vehicles.

New subsection 127(e) allows for the continued operation of certain vehicles in Garrett and Allegany Counties, Maryland.

Subsection (e) provides for a two-year exemption from axle weight limitations and the bridge formula for fire-fighting vehicles. The Secretary is directed to conduct a study to address, long-term, issues involving such vehicles.

Subsection (f) retains identical provisions from the House and Senate bills pertaining to Montana-Canada trade.

Subsection (g) retains the House provisions requiring a study of water well drilling rigs.

CONTROL OF OUTDOOR ADVERTISING

House bill

Subsection (a) authorizes a state to use any Federal-aid highway funds apportioned to the state for the removal of nonconforming signs and the payment of just compensation in accordance with title 23 section 131.

Subsection (b) requires the owner of an illegal sign to remove it within 90 days from enactment of this Act. If the owner of an illegal sign does not remove it within the 90 day period, the state shall remove the illegal sign and assess the costs for removal to the owner of the illegal sign.

Subsection (c) prohibits the erection of any new sign along any highway on the Interstate and Primary system (as in existence on June 1, 1991) that is designated as a scenic byway under a state scenic byway program. This subsection makes it clear that control of outdoor advertising on scenic byways along the Interstate, Primary System and the National Highway System shall be in accordance with title 23, Section 131. This subsection also redefines the Primary System for purposes of application of the Highway Beautification Act as the Primary System in existence on June 1, 1991.

Subsection (d) is intended to avoid confusion among the States in the implementation of these amendments to the Highway Beautification Act. This section makes it clear that the States, in implementing these new provisions, should ensure that signs displays and devices that have received state certification under the existing structure of federal-state agreements and state laws implementing section 131 of title 23 United States Code are not affected in any manner.

Senate amendment

The Senate Amendment has no comparable provision. But the Senate does make funding under the newly defined "Transportation Enhancement Activities" eligible for the removal of outdoor advertising.

Conference substitute

Subsection (a) authorizes a state to use any Federal-aid highway funds apportioned to the state for the removal of nonconforming signs and the payment of just compensation in conformance with title 23, section 131. This provision also applies to signs located along Interstate and Primary system roads designated as Scenic Byways by the states.

Subsection (b) requires the owner of an illegal sign to remove it within 90 days from enactment of this act. If the owner of an illegal sign does not remove it within the 90 day period, the state shall remove the illegal sign and assess the costs for removal to the owner of the illegal sign.

Subsection (c) intends that under the Conference agreement, no signs shall be erected on scenic byways on the Interstate or primary system as those systems are in effect on the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1991.

Subsection (d) is intended to avoid confusion among the States in the implementation of these amendments to the Highway Beautification Act. This section makes it clear that the States, in implementing these new provisions, should ensure that signs displays and devices that have received state certification under the existing structure of federal-state agreements and state laws implementing section 131 of title 23 United States Code are not affected in any manner.

METROPOLITAN PLANNING

House bill

The House Bill revises and strengthens the metropolitan planning process. The general objective of the planning process is to develop transportation facilities that will function as an intermodal transportation system giving emphasis to those facilities which serve important national and regional transportation functions such as moving goods within urbanized areas and to distant markets, enhancing productivity and economic competitiveness, enabling persons to move quickly to and from their homes, jobs, and other destinations, providing access to international border crossings, and connecting roadways within the area with roadways outside the area.

Each urbanized area over 50,000 population is required to designate a metropolitan planning organization to carry out the required planning process. Existing MPOs are treated as continuing and are not required to be redesignated.

The planning process for an area is required to cover the existing urbanized area plus the area expected to be urbanized within the planning forecast period. In addition, the covered area may include the entire metropolitan statistical area or consolidated metropolitan statistical area on an area designated as nonattainment for transportation-related pollutants.

The planning process will include both a long-range plan and a transportation improvement program (TIP). In developing the long range plan and the transportation improvement program, the MPO shall provide affected parties a reasonable opportunity to comment on the proposed plan. The TIP is prepared cooperatively with the state and includes projects proposed for funding under Title 23 and the Urban Mass Transportation Act of 1964 that are consistent with the long-range plan and conform to the applicable clean air state implementation plan in nonattainment areas for transportation related pollutants. A project can only be included in a TIP if it can reasonably be expected to be funded within the time period contemplated for completion of the project. The TIP must be revised at least every two years.

Nothing added by this section of the House bill or the section on statewide planning changes any requirement of the Clean Air Act.

The bill lists a series of factors to be considered in developing plans and programs. In summary these include:

(1) efficient use of existing transportation facilities;
(2) energy conservation goals;
(3) social, economic and environmental effects;
(4) Clean Air Act requirements;
(5) methods to reduce and prevent traffic congestion;
(6) methods to expand and enhance transit use;
(7) effect on land use and land development;
(8) transportation needs identified by management systems;
(9) innovative methods financing;
(10) preservation of transportation corridors;
(11) long range needs;
(12) methods to enhance efficient movement of commercial vehicles;
(13) life cycle costs in design and engineering of bridges, tunnels, and pavements.

In addition to any other requirements, urbanized areas over 200,000 in population must develop plans and programs in cooperation with the state and affected transit operators. Also these urbanized areas must identify methods to reduce congestion that are appropriate for the size of the area and the complexity of the transportation problems in the area. In nonattainment areas, the methods must be coordinated with the development of the state implementation plan for the Clean Air Act.

Finally, the bill provides for the establishment within DOT of an advisory committee to review the metropolitan planning procedures and their relationship with the state planning process.

Senate amendment

Amends 23 U.S.C. 134, Transportation Planning in Certain Urban Areas. The term "certain urban areas" (urban areas of more than 50,000 population) is replaced with the term "metropolitan areas" and the title of Section 134 is now "Metropolitan Planning". Metropolitan area boundaries are determined by the metropolitan planning organization and the Governor, and as a minimum must encompass the existing urbanized area and the area expected to be urbanized within the forecast period. The metropolitan area may encompass the entire Metropolitan Statistical Area/Consolidated Metropolitan Statistical Area. For areas designated as non-attainment for ozone or carbon monoxide, the boundaries must be the boundaries for the non-attainment area unless otherwise provided by the metropolitan planning organization.

The requirement that a metropolitan planning organization (MPO) be designated for each urbanized area over 50,000 population by agreement among the local units of general purpose government and the Governor is continued. Designations made prior to enactment remain valid and redesignation is not required.

The current requirement for a continuing, cooperative, and comprehensive urban transportation planning process in all urbanized areas over 50,000 population is continued with modifications to strengthen the planning process, particularly for metropolitan areas with a metropolitan statistical area (MSA) population of more than 250,000 and in areas classified as non-attainment for ozone or carbon monoxide under the Clean Air Act. Increased emphasis is placed on preserving and making more efficient use of existing transportation facilities; consistency with energy conservation programs, goals and objectives; congestion relief; Clean Air Act requirements; effect of transportation policy decisions on land use and development, and the provisions of land use and development plans; use of innovative financing mechanisms including value capture, tolls, and congestion pricing; programming of transportation enhancement activities; development of transportation improvement programs that are consistent with anticipated funding sources; and establishment of project priorities for implementing the transportation plan.

Transportation improvement programs (TIP) are developed by the MPO, in cooperation with the State and relevant transit operators, and must include all projects to be funded under Title 23 and the Urban Mass Transportation Act. The TIP must be consistent with the long range transportation plan and in nonattainment areas for ozone and carbon monoxide conform with the applicable State implementation plan developed pursuant to the Clean Air Act. The TIP must be approved by the MPO and the Governor, and be updated at least every two years. For metropolitan areas of 250,000 population or less, projects to funded (programmed) with Title 23 funds are selected from the TIP by State in cooperation with the MPO.

In metropolitan areas with a MSA population of more than 250,000, a congestion management system that provides for the effective management of new and existing transportation facilities through travel demand reduction and operational management strategies must be developed through the required technical process. In nonattainment areas for ozone or carbon monoxide where a transportation element of the State Implementation Plan is required by the Clean Air Act, the congestion management system must be coordinated with it. Further in non-attainment areas for ozone or carbon monoxide, Federal funds cannot be used for any highway project that provides a significant increase in carrying capacity for single occupant vehicles unless the project is part of the congestion management system. The conformity review process for transportation plans, programs, and projects funded under Title 23 or the Urban Mass Transportation Act in nonattainment areas must take into account any lack of progress in implementing projects in accordance established priorities and take into consideration the emissions expected from all regionally significant transportation projects regardless of the source of funding. Although emissions from all regionally significant projects will be taken into account, any finding of non-conformity will only delay Federally assisted projects.

In areas over 250,000 population, all projects to be funded under Title 23 (except Bridge and Interstate Maintenance projects) or the Urban Mass Transportation Act must be selected by the MPO and the Governor, and must be consistent with the TIP including the priorities established in the TIP. Bridge and Interstate Maintenance projects are selected by the State in cooperation with the MPO.

In areas over 250,000 population, the Secretary must assure that the requirements of this section are adequately carried out in each metropolitan area and certify the process in each area on annual basis. If at any time after October 1, 1992, the Secretary does not certify the process for an area, the obligation authority for Surface Transportation Program that is attributed to the area automatically lapses and is redistributed to other States.

One percent of the funds authorized for programs under Sections 104 and 144, except for the Interstate Construction and Interstate Substitution programs, is set aside for metropolitan planning. The State must distribute the metropolitan planning funds to MPOs by a formula approved by the Secretary which considers population, status of planning, attainment of air quality standards, metropolitan area transportation needs and other factors necessary to provide an appropriate distribution of funds to carry out applicable statutory requirements. Metropolitan planning funds made available to a MPO and not needed to carry out the provisions of this section may be made available to the State to carry out Statewide transportation planning.

Conference substitute

The Conference Bill incorporates selected provisions from the Highway & Transit Titles of the Senate with the selected provisions of the House Bill to revise and strengthen the metropolitan planning process.

Metropolitan planning organizations are to be designated in each urbanized over 50,000 population by agreement among the local units of general purpose government and the Governor is modified to require the agreement of local officials representing at least 75 percent of the affected population (including central cities or cities as defined by the Bureau of Census), or as otherwise provided under state or local procedures. All designations whether under this provision or previous provisions of law remain in effect until revoked by agreement between the Governor and local units of general purpose governments representing at least 75 percent of the affected population. If the Governor and local units of government representing 75% of the affected population decide they want to redesignate the metropolitan planning organization, the existing metropolitan planning organization will remain in effect until a new metropolitan planning organization is designated by the Governor and local officials representing 75 percent of the affected population or the existing metropolitan planning organization is revoked by the Governor and local officials representing 75 percent of the population. A special provision is included to allow metropolitan planning organizations to reorganize under certain conditions that pertain to the Chicago and Los Angeles regions.

The managers recognize that the Lake Tahoe Basin was recognized by Congress in P.L. 96-551 as an ecologically fragile area of national significance. The Federal ownership of lands in this California/Nevada Bi-State Basin is approximately 73% and MPO status for purposes of federal transit and transportation funding and assistance is appropriate.

For redesignations or reorganizations of metropolitan planning organizations in transportation management areas subsequent to enactment where the proposed membership varies from the current membership, the metropolitan planning organization must include local elected officials, officials of agencies that administer or operate major modes of transportation in the metropolitan area (including all agencies included as of June 1, 1991), and appropriate State officials. However, the requirement is not intended to interfere with any authority of public agencies with multimodal transportation responsibility under State law to develop plans and programs for adoption by the metropolitan planning organization.

Metropolitan area boundaries are determined by the metropolitan planning organization and the Governor, and as a minimum must encompass the existing urbanized area and the area expected to be urbanized within the forecast period. The metropolitan area may encompass the entire Metropolitan Statistical Area/Consolidated Metropolitan Statistical Area. For areas designated as non-attainment for ozone or carbon monoxide, the boundaries must be the boundaries for the non-attainment area unless otherwise provided by the metropolitan planning organization and the Governor.

The planning process in metropolitan areas must as a minimum consider the following items:

(1) efficient use of existing transportation facilities;
(2) energy conservation goals;
(3) methods to reduce and prevent traffic congestion;
(4) effect on land use and land development;
(5) programming of expenditures for transportation enhancement activities;
(6) effects of all transportation projects regardless of source of funds;
(7) international border crossings and access to major traffic generators such as ports, airports, intermodal transportation facilities, and major freight distribution routes;
(8) connectivity of roads within the metropolitan area with roads outside the metropolitan area;
(9) transportation needs identified by management systems;
(10) preservation of transportation corridors;
(11) methods to enhance efficient movement of commercial vehicles;
(12) life cycle costs in design and engineering of bridges, tunnels, and pavement;
(13) social, economic and environmental effects.

Each MPO is required to prepare and update a long range transportation plan for its metropolitan area in accordance with a schedule established by the Secretary. The long range plan must identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In nonattainment areas for transportation related pollutants, the metropolitan planning organization must coordinate the development of the long range plan with the process for development of transportation measures of the State Implementation Plan required by the Clean Air Act. The long range plan must be made available for public review prior to approval.

Transportation improvement programs (TIP) are developed by the MPO, in cooperation with the State and relevant transit operators, and must include all projects to be funded under Title 23 and the Federal Transit Act. The TIP must be approved by the MPO and the Governor, and be updated at least every two years. The TIP must be made available for public review prior to approval. In areas that are not designated as transportation management areas, projects are selected by the State in cooperation with the metropolitan planning organization from the approved TIP.

For urbanized areas not designated as transportation management areas, the Secretary may prescribe abbreviated requirements for the development of transportation plans and programs. However, the Secretary may not prescribe abbreviated requirements for any area designated as nonattainment for ozone or carbon monoxide under the Clean Air Act.

Urbanized areas over 200,000 population must be designated as transportation management areas. In addition to the general requirements for all urbanized areas, transportation management areas must develop a transportation management system that provides for effective management of new and existing transportation facilities through travel demand and operational management strategies. In transportation management areas all projects funded under Title 23 (except for National Highway System, Bridge or Interstate Maintenance projects) and the Urban Mass transportation Act are selected by the metropolitan planning organization in consultation with the State. National Highway System, Bridge and Interstate Maintenance projects are selected by the State in cooperation with the metropolitan planning organization.

The Secretary must assure that the requirements of this section are adequately carried out in each transportation management area and certify the process in each transportation management area at least every 3 years. If an area is not certified, the Secretary may withhold, in whole or part, the apportionments under the Surface Transportation Program attributed to the metropolitan area.

In areas classified as nonattainment for ozone or carbon monoxide, Federal funds may not be used for any highway project that will significantly increase the carrying capacity for single occupant vehicles unless the project is part of or consistent with the approved congestion management system.

The Secretary shall prescribe an appropriate phase-in schedule for any new requirements under this section.

One percent of the funds authorized for programs under Sections 104 and 144, except for the Interstate Construction and Interstate Substitution programs, is set aside for metropolitan planning. The State must distribute the metropolitan planning funds to MPOs by a formula approved by the Secretary which considers population, status of planning, attainment of air quality standards, metropolitan area transportation needs and other factors necessary to provide an appropriate distribution of funds to carry out applicable statutory requirements. Metropolitan planning funds made available to a MPO and not needed to carry out the provisions of this section may be made available to the State to carry out Statewide transportation planning.

STATEWIDE PLANNING

House bill

In carrying out statewide transportation planning, the state is required to prepare a long-range plan and a transportation improvement program, taking into consideration the factors listed for the metropolitan planning process. Specifically, the state is required to incorporate, coordinate, and reconcile the plans and programs developed under the metropolitan planning process, provide for comprehensive planning in areas of the state which are not urbanized areas, consult with Indian tribal governments, and establish management and traffic monitoring systems.

Senate amendment

This section would establish a requirement for a statewide transportation planning process in Section 135 of Title 23. Under this section the States would be required to have a Bridge Management System, a Pavement Management System, a Safety Management System, and a Congestion Management System developed in accordance with regulations issued by the Secretary. A State that certifies to the satisfaction of the Secretary that no congestion exists or is expected to exist will not be required to have a congestion management system. These systems are currently in various stages of development. Full development is expected to occur in stages with final implementation by 1995. If a State does not have approved management systems by 1995, the Secretary may: (1) withhold project approvals under 23 U.S.C. 106 and (2) decline acceptance of the State's certification and notice under the 23 U.S.C. 133(c)(2). Each State must also have a Traffic Monitoring System to provide data determined necessary under Title 23. Guidelines and requirements will be established by the Secretary.

The Statewide transportation planning process must take into account the required management systems; Federal, State or local energy use goals, objectives, programs or requirements; and valid state or local development or land use plans, programs, or requirements. The process must provide for comprehensive surface transportation planning for non-metropolitan areas and the integration of any non-metropolitan area plan with any metropolitan area plans. In nonattainment areas for ozone and carbon monoxide, the process must be coordinated with development of the transportation portion on any state implementation plan (SIP) required under the Clean Air Act (CAA) and must provide for compliance with any revelant requirements of the SIP. Any State containing a non-attainment area for ozone or carbon monoxide must develop a State transportation plan and update it at least every two years. In addition to the general requirements for a State transportation plan, the plans in non-attainment areas must incorporate without change metropolitan area plans and provide for coordination in the development of the plan with the SIP.

The funds set aside under 23 U.S.C. 307(c)(1) are available to carry out the requirements of this section.

Conference substitute

The conference Bill incorporates selected provisions from the Senate Bill with the selected provisions of the House Bill to establish a statewide multimodal transportation planning process for the development of transportation plans and programs for all areas of the state. The planning process must consider all modes of transportation and must be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems.

In developing the transportation plan, the State must provide an opportunity for public involvement and consult with Indian tribal governments having jurisdiction over lands within the State. In developing the transportation improvement program, the State must provide an opportunity for public involvement and cooperate with the metropolitan planning organizations. The transportation improvement programs must include all projects proposed for funding under title 23 or the Federal Transit Act, and must be reviewed and approved at least biennially.

The States would be required to have a Bridge Management System, a Pavement Management System, a Safety Management System, a Congestion Management System, a Transit Management System, and an Intermodal Management System developed in accordance with regulations issued by the Secretary. A State that certifies to the satisfaction of the Secretary that no congestion exists or is expected to exist will not be required to have a congestion management system. These systems are currently in various stages of development. Full development is expected to occur in stages with final implementation by 1995. If a State does not have approved management systems, the Secretary may: (1) withhold project approvals under 23 U.S.C. 106 and (2) decline acceptance of the State's certification and notice under the 23 U.S.C. 133(c)(2). Each State must also have a Traffic Monitoring System to provide data determined necessary under Title 23. Guidelines and requirements will be established by the Secretary.

The Statewide transportation planning process must provide for or take into account:

(1) transportation needs identified by management systems;

(2) plans for bicycle transportation and pedestrian walkways in the various areas of the State to the degree appropriate;

(3) energy conservation goals;

(4) international border crossings and access to major traffic generators such as ports, airports, intermodal transportation facilities, and major freight distribution routes;

(5) comprehensive surface transportation planning for nonmetropolitan areas through a process that includes consultation with local elected officials;

(6) metropolitan plan developed under section 134;

(7) connectivity between metropolitan areas within the State and with metropolitan areas in other States;

(8) recreational travel and tourism;

(9) any State plan developed pursuant to the Federal Water Pollution Control Act;

(10) Clean Air Act requirements in nonattainment areas for transportation related pollutants;

(11) transportation system management and investment strategies to make efficient use of existing transportation facilities;

(12) social, economic and environmental effects;

(13) methods to reduce and prevent traffic congestion;

(14) methods to expand and enhance transit use;

(15) effect on land use and land development;

(16) transportation needs identified through use of the management systems required by this section;

(17) innovative methods of financing;

(18) preservation of transportation corridors;

(19) long range needs;

(20) methods to enhance efficient movement of commercial vehicles;

(21) life cycle costs in design and engineering of bridges, tunnels, and pavements.

The Secretary shall prescribe an appropriate phase-in schedule for the requirements of this section.

The funds set aside under 23 U.S.C. 307(c)(1) are available to carry out the requirements of this section.

INDIAN NONDISCRIMINATION

House bill

Section 140 of Title 23 is amended to make Indian tribal governments eligible for grants to develop, conduct and implement highway construction training and skills programs.

Section 140(d) is amended to authorize states to extend Indian employment preference programs to projects near reservations. Currently, such programs are limited to Indians living on or near reservations and to projects on Indian reservation roads.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

PUBLIC TRANSPORTATION

House bill

The House amendment allows for the improved access between intercity and rural bus service.

Senate amendment

No comparable provision.

Conference substitute

The House recedes to the Senate.

BRIDGE REPLACEMENT AND REHABILITATION

House bill

The Secretary, in consultation with the Secretary of Interior is required to conduct an inventory of Indian reservation and park bridges; classify them according to serviceability, safety, and essentiality for public use; assign a priority for replacement or rehabilitation; and determine the cost of replacing or rehabilitating each bridge.

Bridge painting and the application of calcium magnesium acetate is made an eligible cost under the bridge program.

The Federal share is 80 percent.

There is authorized $ million per fiscal year for each of the fiscal years 1992 through 1996 for the bridge discretionary program. Of that amount, $ million per fiscal year is set-aside for timber bridges.

The provisions of the off-system bridge program are extended to permit the cost of bridge painting and the application of calcium magnesium acetate to off system bridges.

No less than 1 percent of the amount apportioned to each state in bridge funds shall be used on Indian reservation bridges. The funds will be deducted in advance of each state's apportionment and allocated to the Secretary of the Interior for expenditure. The Secretary may reduce the set-aside with the concurrence of the Secretary of the Interior after consultation with the state and tribal governments if it is determined that there are inadequate needs to justify such expenditure. The non-Federal share for Indian reservation bridge projects may be paid from amounts made available from the Indian reservation roads program.

Subsection (g) protects any previously apportioned bridge funds.

Funds are authorized and allocated for high cost bridge projects.

Senate amendment

This section amends Section 144 of Title 23, United States Code. The Federal share payable is retained at 80% for bridge projects where rehabilitation or replacement is for structural reasons. It is also retained for replaced or rehabilitated bridges where additional capacity is needed for other than single occupant vehicles. Where expanded capacity is proposed by either replacement or rehabilitation for use by single occupant vehicles, the federal share is 75 percent. For example, an existing two-lane bridge could be rehabilitated or replaced by a new two-lane bridge with a Federal share of 80 percent. However, if an additional third lane primarily available to single occupant vehicles is constructed, the federal share for the third lane would be 75 percent. Pay back provisions are included for those cases where a State uses 80 percent Federal funding for a bridge, but later converts the bridge for use by single occupant vehicles. The Secretary is to develop the criteria for determining the appropriate Federal share of bridge replacement or rehabilitated bridge projects.

Bridge painting and seismic retrofit is made an allowable expense for bridges eligible for bridge program funding. The discretionary bridge program is repealed.

States need to fully consider the environmental effects and long-term economic costs associated with traditional highway and bridge maintenance and safety practices such as the use of road salt in winter. To encourage States to adopt environmentally safer highway maintenance practices, calcium magnesium acetate (CMA) is included as an eligible expense under the Bridge program. This action is a continuation of Section 173 of Public Law 100-17. This provision should encourage States to use CMA on a limited number of bridges in order to extend their useful life, and to protect the surrounding environment.

Level-of-service criteria are to be established for the bridge program by January 1, 1992. The level-of-service criteria are target values against which bridge characteristics are to be compared. The values vary by highway system or functional classification. Using the comparison, bridges can be categorized as needing or not needing rehabilitation or replacement. The bridges thus categorized are those eligible for bridge program funds, and are the bridges used in apportioning these funds to the States. The bill also permits the States to expend up to 35 percent of Federal bridge funds on bridges that are not in the level-of-service inventory.

Conference substitute

The Conference Substitute adopts the House provisions with an amendment that permits seismic retrofit as an eligible expense for bridges.

SPEED LIMIT

House bill

Section 130 of the House bill establishes new compliance requirements to reflect the higher risk associated with higher speeds, road design, and enforcement capabilities. The House bill also modifies the current sanction requirement.

Under the House bill, the Secretary is required to transfer not less than 1 percent and not more than 5 percent of a state's National Highway System funds to its apportionment under section 402 of this title if the percentage of vehicles in such state (A) on 55 mph Interstate highways are traveling at speeds in excess of the posted speed limit plus 5 miles per hour exceed 50%, (B) on 55 mph Interstate highways are traveling at speeds in excess of the speed limit plus 10 miles per hour exceeds 30 percent, (C) on 65 mph Interstate highways are traveling at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 35 percent, (D) on 65 mph Interstate highways are traveling at speeds in excess of the speed limit plus 20 miles per hour exceeds 20 percent, (E) on non-interstate highways are traveling at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 30 percent, or (F) on non-interstate highways are traveling at speeds in excess of the posted speed limit plus 10 miles per hour exceeds 15%.

Fifty percent of any funds transferred to Section 402 must be used for speed enforcement activities and public education and information. At the request of a state, the Secretary may waive this requirement for any fiscal year quarter after a fiscal year quarter the state is found to be in compliance with this section.

The bill also codifies the current provisions that permit states to raise the speed limit up to 65 mph on certain non-Interstate highways built to Interstate standards and located outside of an urbanized area. In addition, it requires the collection of uniform data on 55 mph and 65 mph highways and requires the Secretary to issue regulations that devices and equipment are placed at locations on maximum speed limit highways on a scientifically random basis which takes into account the relative risk of motor vehicle accidents as they relate to speed and class of highways.

The House bill would further transfer the administration of this section and appropriate Federal Highway Administration personnel to the National Highway Traffic Safety Administration.

Senate amendment

Section 139(a) repeals 23 U.S.C. 141(a), which requires each state to certify annually that it is enforcing all speed limits on public highways posted at the national maximum speed limit and requires the Secretary to withhold project approval in any state that fails to certify accordingly. The language of 23 U.S.C. 141(a) is incorporated in 23 U.S.C. 154 as rewritten in subsection (b) of this section.

Subsection (b) rewrites 23 U.S.C. 154, the national maximum speed limit law. As rewritten, section 154:

(1) continues the current national maximum speed limit of 55 mph on public highways other than Interstate highways located outside of an urbanized area and 65 mph on Interstate highways located outside of an urbanized area;

(2) codifies the current permission for states to raise the speed limit up to 65 mph on certain non-Interstate highways built to Interstate standards and located outside of an urbanized area.

(3) requires each state to collect and submit to the Secretary annual speed-related data on public highways posted at or above 55 mph (current data collection and compliance requirements apply only to highways posted at 55 mph);

(4) incorporates the language of the current section 141(a) prohibiting the approval of state highway construction projects in a state that fails to certify that it is enforcing all speed limits on public highways; and

(5) repeals, by omission, current provisions of the national maximum speed limit law that: (a) require states to submit to the Secretary compliance data for a 12-month period on the percentage of motor vehicles exceeding 55 mph on their public highways posted at 55, and (b) establish a process under which a state could lose up to 10 percent of its non-Interstate highway construction funds for the following fiscal year if the state's 12-month compliance data show that more than 50 percent of its motorists exceeded the posted 55 mph limit;

Conference substitute

The Conference Substitute modifies Sec. 154(e), Title 23 U.S.C., to provide that speed limit data to be reported annually to the Secretary include, but not be limited to, data on citations, travel speeds and the posted speed limit and the design characteristics of roads from which such travel speed data are gathered. The Substitute also adopts the House language regarding the collection of data and the adoption of regulations by the Secretary on the placement of monitoring devices.

The House provision relating to enforcement is amended by requiring the Secretary, one year after the enactment of this Act, to publish in the Federal Register a proposed rulemaking to establish speed limit enforcement requirements which shall devise a formula for determining compliance with the requirements of the rulemaking (1) which assigns greater weight for violations of such speed limits in proportion to the amount by which the speed of the motor vehicle exceeds the speed limit and (2) which differentiates between the type of road on which speed limit violations occur. In developing the formula, the Secretary is required to consider factors relating to (1) the enforcement of efforts made by the states, data concerning fatalities and serious injuries occurring on roads posted at 55 mph or higher, and (2) any other measure of speed enforcement or speed-related highway safety trends which the Secretary deems appropriate. The Conference Substitute applies the same reprogramming provision and Secretarial discretion with regard to the percentage transferred as in the House bill.

The Secretary must publish the final form of the prescribed regulations in the Federal Register within 60 days after publication of the proposed rulemaking. Such final rule shall take effect no later than 12 months after such publication.

MINIMUM ALLOCATION

House bill

The House bill increases the minimum allocation level from 85 percent to 90 percent, i.e. it assures that each State's share of the Federal-aid program (calculated based on that year's apportionment and prior year's allocations) will not be less than 90 percent of its relative share of contributions to the Highway Trust Fund. The base upon which this calculation takes place includes all Federal-aid programs with the exception of forest highways, Indian reservation roads, parkways and park roads, highway related safety grants, non-construction safety grants, motor carrier safety grants, and projects from either this Act or the 1987 STURAA.

Further, the House bill provides a separate guaranteed minimum for the projects contained in the House bill.

Senate amendment

The Senate amendment contains no comparable provision, thus continuing minimum allocation as in current law.

Conference substitute

The conference substitute retains the minimum allocation concept, increased to a 90 percent level, although the base upon which it is calculated is changed. That base includes apportionments for interstate construction, interstate substitution, interstate maintenance, bridge and surface transportation programs as well as prior years discretionary allocations derived from these programs.

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

House bill

Section 132 amends Section 217 of title 23, United States Code to provide that, with the approval of the Secretary, a state may obligate its Rural and Urban Mobility and Flexible funds to construct pedestrian walkways and bicycle transportation facilitate on any Federal-aid highway, except on the Interstate system. No bicycle projects may be carried out that are not principally for transportation rather than recreational purposes. Also with the Secretary's approval, a state may obligate its national highway system funds to construct bicycle transportation facilities on land adjacent to any National Highway System highway other than on the Interstate system. Funds authorized for forest highways, forest and public lands development, roads and trails, park roads, parkways, Indian reservation roads and public lands highways shall be available for the construction of pedestrian walkways and bicycle transportation facilities in conjunction with such trails, roads, highways and parkways at the discretion of the department which administers the funds.

States shall use urban and rural mobility and flexible apportionments to fund a bicycle and pedestrian coordination position with the state department of transportation. The coordinator shall promote and facilitate increased use of nonmotorized modes of transportation, development of pedestrian and bicycle facilities, public education, and promotional and safety programs for using the facilities. At least 50 percent of the coordinator's position shall be dedicated to coordinating and developing such programs and facilities.

On Federally assisted bridge deck replacement or rehabilitation projects and on highways which are not fully access controlled, where bicycles are permitted to operate at each end, accommodations for bicycles may be included in the project if the Secretary determines it is safe to do so and it can be provided at a reasonable cost. Pedestrian walkways and bicycle transportation facilities shall be located and designed as part of an overall plan with due consideration for safety and contiguous routes, and no motorized vehicles shall be permitted on pedestrian walkways and trails except for maintenance purposes or when snow conditions and state or local regulation permit, motorized wheelchairs.

Senate amendment

The Senate amendment continues existing law with conforming amendments. It also includes facilities for pedestrian and bicycles as an eligible item for funding under transportation enhancement activities.

Conference substitute

The Conference Substitute adopts the House provision.

INDIAN RESERVATION ROADS

House bill

The House bill provides for 2% of IRR funding under the Federal Lands Highway Program to be allocated to tribes applying for transportation planning pursuant to the provisions of the Indian Self Determination and Education Assistance Act. In addition, the bill directs the Secretary to conduct a study related to Indian reservation roads.

Senate amendment

The Senate bill also provides for 2% of IRR funding to tribes applying for transportation planning.

Conference substitute

The managers have agreed to the House language with the exception that the 2% of the funding provided has been amended to provide "up to" 2% is provided.

FEDERAL LANDS

Indian Reservation Roads

House bill

The House amendment directs the Secretary to conduct a study on differences between the use of funds from the Highway Trust Fund on Indian reservation roads and other federal-aid highways to identify inequities. The study results, including legislative and administrative recommendations, shall be sent to Congress within one year.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Senate recedes to the House.

House bill

The House bill provides that two percent of each year's Indian Reservation Roads funds be allocated to tribal governments applying for transportation planning pursuant to the Indian Self-Determination and Assistance Act.

Senate amendment

The Senate bill provides an identical provision.

Conference substitute

The Conference substitute amends the provision for "up to" two percent for such purposes so allocated amount is based on actual applications by tribal governments. Tribes not applying for planning grants under the Self Determination Act will continue to receive such services from the Bureau of Indian Affairs administrative cost account.

Program Structure

House bill

The House bill contains no comparable provisions.

Senate amendment

The Senate amendment restructures the federal land category by consolidating the forest roads and nation-wide discretionary account into a new public lands highway program. Sixty-six percent of the public lands highway account shall be allocated to the Forest Service regional offices for use in 41 states based on forest highway criteria. The remaining 34 percent shall be allocated by the Secretary based on national competition for other forest or public land highways.

The Senate amendment qualifies each class of Federal land highways for transportation planning for tourism and recreational travel and makes certain costs such as interpretative signage and rest areas eligible cost items.

The Senate amendment authorizes the Secretary to transfer appropriate funds to the Secretary of Interior to cover road-related administrative costs of the Bureau of Land Management in connection with public lands highways.

The Senate amendment directs the Secretaries of Transportation, Interior and Agriculture to develop appropriate transportation planning procedures, and safety, bridge and pavement management systems for funds funded under the Federal Lands Highway Program.

CONFERENCE SUBSTITUTE

The Conference recedes to the Senate provisions.

Funding levels

House bill

The House amendment authorizes $268 million for forest roads, $193 million for public lands highways, $292 for parks and parkways, and $1,028 for Indian Reservation Roads over six years.

Senate amendment

The Senate amendment authorizes $1 billion for the new consolidated public land highways program, $600 million for parks and parkways, and $1 billion for Indian reservation roads.

Conference substitute

The Conference substitute provides $1 billion for the public lands highways, $486 million for parks and parkways and $1.114 for Indian reservation roads.

MANAGEMENT SYSTEMS

House bill

The House bill requires the Secretary to issue regulations within one year for the development, establishment, and implementation of six (6) management systems: pavement, bridges, safety, congestion, public transportation, and intermodal. Beginning with FY 96, the Secretary may withhold 10 percent of funds apportioned under Title 23 and the UMTA Act of 1964 for failure to implement and certify implementation of each system in the preceding year. Costs to develop and establish these systems are eligible uses of Federal-aid apportionments.

Senate amendment

The Senate amendment, as part of the Statewide planning process, requires the States to have systems comparable to those of the House bill with the exception of public transportation and intermodal. The penalty for failure to establish approved systems, at the discretion of the Secretary, withholding project approvals and/or decline acceptance for the certification necessary as part of the Surface Transportation Program.

Conference substitute

The Conference substitute adopts the House provision requiring the Secretary to withhold up to 10 percent of the funds apportioned to the states that have adopted and implemented management systems.

LIMITATION ON DISCOVERY OF CERTAIN REPORTS AND SURVEYS

House bill

This section clarifies that no report, survey schedule list, or data compiled for the purpose of complying with Section 130 and 144 of Title 23, United States Code, or for developing any highway safety construction project which may be implemented with Federal-aid highway funds shall be subject to discovery or admitted into evidence in a Federal or state court proceeding.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House Provision.

BUY AMERICA

House bill

This section clarifies the intent of Congress to include products manufactured with iron under the Buy America provisions.

The Secretary of Transportation is required to submit to Congress a report on purchases from foreign entities that include the dollar value of items for which waivers were granted under the Buy America provisions.

This section also contains provisions that establish penalties for certain violations and limitations on the applicability of waivers for products produced in foreign countries that have trade agreements with the United States.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

RELOCATION ASSISTANCE REGULATIONS RELATING TO THE RURAL ELECTRIFICATION ADMINISTRATION

House bill

This section exempts the Rural Electrification Administration (REA) from certain rules relating to appraisal required by the Department of Transportation to carry out property acquisitions. If the acquisition activities of the REA result in the dislocation of a person, then REA must follow the rules of adequately compensating a displaced person.

Senate amendment

The Senate amendment amends section 213(c) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1973. It exempts the Rural Electrification Administration (REA) from the uniform regulation relating to the acquisition of real property under title III of that Act. The relocation provisions in title II of the Act would still apply where the activities of REA (or TVA which is already exempted) result in the displacement of persons or businesses.

Conference substitute

Adopts the Senate provision.

TEMPORARY MATCHING FUND WAIVER

House bill

The House bill contains a provision comparable to that incorporated into the 1987 STURAA, permitting the states to request a waiver of the non-Federal share for a qualifying project, in this case for fiscal years 1992 and 1993. The state shares waived must be fully repaid by March 30, 1994, with payments deposited in the Highway Trust Fund and repaid amounts credited to the appropriate apportionment account of the state.

Any amounts not repaid are to be deducted from the state's fiscal year 1995 and 1996 apportionments and then apportioned to other states which have not received a higher Federal share under this section and to those states which have made the required repayment.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

The conference substitute adopted the House provision.

HIGH PRIORITY CORRIDORS

House bill

This section identifies 16 high priority corridors that are regionally and nationally important. These corridors are required to be put on the National Highway System.

For all of these corridors, both long-range planning and specific feasibility and design studies will be carried out by the Secretary and the states cooperatively. For work on these corridors the Secretary may use certification acceptance under section 117 of title 23 and shall, to the maximum extent feasible, use procedures for acceleration of projects.

Specific high priority segments are identified for specific funding. The overall funding that is available for these projects is $200 million for FY 1992 and $450 million per year for each of FY 1993–1996. In addition, since this special funding will generally not be sufficient to complete work on these segments, the bill requires states to give priority to funding these segments with apportioned funds.

A separate authorization of $10 million per year is provided for feasibility and design studies. In addition, a revolving loan fund of $200 million is established from a $50 million set aside for each of FY 1993–1996. This Fund would be available to advance amounts to a state for construction of projects in the corridors, with priority given to the high priority segments. A state would repay amounts advanced from National Highway System apportionments.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

The conference substitute adopted the House provisions with the following changes: (1) various authorization levels for high priority segments were modified, (2) the mandatory "shall" language was made permissive by substituting the word "may," and (3) a new corridor and segment was added in New York. Technical corrections were made to make the advance construction provisions workable for the Cumberland Gap as well as to clarify the intent of establishing contract authority for the feasibility studies funded under this Section.

HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROGRAM

House bill

The House amendment directs the Secretary to establish a Timber Bridge Construction and Discretionary grant program, allowing States to receive grants for the construction of highway timber bridges.

Senate amendment

The Senate amendment directs the Secretary to establish a Timber Bridge Construction Discretionary Grant Program, as well as a Program of Research on Wood Use in Transportation Structures.

Conference substitute

House recedes to Senate amendment with funding level to be split between Senate level and the level contained in House bill.

CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES

House bill

This section provides that the Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c) of title 23. The Federal share for construction of ferry boats under this section shall be 80%. There is authorized $36 million for fiscal year 1992 and $43 million per fiscal year for each of the fiscal years 1993 through 1997 out of the Highway Trust Fund and shall be available to the Secretary each fiscal year to obligate at his or her discretion for grants under this section. The funds shall remain available until expended. All the provisions of chapter 1 of title 23 that apply to the National Highway System, except those related to the apportionment formula and Federal share, shall apply to funds made available to carry out this section, unless the Secretary determines they are inconsistent with this section.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision with modifications to the funding levels.

ASPHALT PAVEMENT CONTACTING RECYCLED MATERIALS

House bill

Section 143 of H.R. 2950 specifies that, for a period of five years, the Secretary of Transportation may not disapprove any state highway project on the basis that such project utilizes rubber modified asphalt. This section also requires the Secretary to conduct a two-year study on the utilization of recycled materials in paving materials and highway devices and appurtenances.

Senate bill

Section 127 of S. 1204 requires the Secretary of Transportation to withhold grants under title 23, other than for projects or grants relating to safety, from any state which cannot certify to the Secretary that it has met the minimum utilization requirement of the equivalent of 6 pounds of rubber derived from scrap tires for each ton of finished asphalt pavement used in federally-assisted highway projects. The provision allows the Secretary to set aside the requirement for any three-year period upon a determination that 1) the use or application of asphalt rubber pavement creates a risk to human health or the environment; 2) asphalt rubber pavement cannot be recycled to the same degree as conventional pavement; or 3) asphalt rubber pavement does not perform adequately as a paving material.

The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, is required to conduct research on the environmental risks, technical performance and recyclability of asphalt rubber pavement.

Conference substitute

The Conference Substitute combines the major provisions of both the House and Senate bills. It includes the provision which prevents the Secretary from disapproving a highway project because it includes the use of asphalt pavement containing recycled rubber. It also requires the Secretary and the Administrator of EPA, in cooperation with the states, to conduct a study on the health and environmental threats, recyclability, and technical performance of asphalt pavement containing recycled rubber. In addition, the study will determine the economic savings, technical performance qualities, and environmental threats and benefits of using other recycled materials, including recycled glass, plastic and asphalt, in highway projects. The Secretary is instructed to encourage the use of recycled materials determined to be appropriate by this study. In procuring such materials, procuring agencies as defined in section 1004(17) of the Solid Waste Disposal Act shall comply with all applicable guidelines or regulations issued by the Administrator of the Environmental Protection Agency including those issued pursuant to section 6002 of the Solid Waste Disposal Act.

Beginning January 1, 1995, each state is required to certify to the Secretary that it has satisfied the minimum utilization requirement for asphalt pavement contacting recycled rubber, as follows: five percent in 1994; ten percent in 1995; 15 percent in 1996; and 20 percent in 1997 and each year thereafter. The Secretary shall withhold from any state failing to make such certification a percentage of highway construction, rehabilitation and repair apportionments equivalent to the percentage utilization requirements established in this section.

Other recycled materials, as determined appropriate by the Secretary and the Administrator of EPA, pursuant to the study required by this section, may be substituted for recycled rubber under the minimum utilization requirement up to five percent. The conferees recognize that other recycled materials with the potential for exhibiting technical performance qualities may require substantial time for further development and testing. In such case, it is intended that the Secretary will note this in the report submitted to Congress, and that the authorization to substitute will not go into effect until such time as such other recycled materials have been developed and tested, and as a result of such development and testing, demonstrate, to the satisfaction of the Secretary, that asphalt containing recycled material or materials will perform in a manner equivalent to asphalt contacting recycled rubber.

The conferees recognize that a state may not have a sufficient quantity of scrap tires to meet the minimum utilization requirements established by this section, because it is recycling or processing tires (which includes retreading or energy recovery), or shipping tires to another state for such recycling or processing. In such case the state may request that the Secretary, in concurrence with the Administrator of EPA, reduce the minimum utilization requirement for that state.

The term "recycled rubber", as used in this section, is any crumb rubber derived from processing whole scrap tires or shredded tire material taken from automobiles, trucks or other equipment owned and operated in the United States provided that, such processing does not produce, as a waste, casings or other round tire material that can hold water when stored or disposed above ground.

HIGHWAY USE TAX EVASION PROJECTS

House bill

This section provides in subsection (a) that the Secretary shall use funds made available by subsection (f) to carry out highway use tax evasion projects. At the discretion of the Secretary, the funds may be allocated to the Internal Revenue Service and the states.

Funds may be used only to expand efforts to enhance motor fuel tax enforcement; to fund additional Internal Revenue Service staff solely to carry out the functions described in this subsection; to supplement motor fuel tax examinations and criminal investigations; to develop automated data processing tools to monitor motor fuel production and sales; to evaluate and implement registration and reporting requirements for motor fuel taxpayers; to reimburse state expenses that supplement existing fuel tax compliance efforts; and to analyze and implement programs to reduce tax evasion of other highway use taxes.

The Secretary is authorized to conduct a study to determine the feasibility and the desirability of using dye and markets to aid in motor fuel enforcement activities. The Secretary must transmit a report on the results of the study not later than one year after the effective date of this section.

The Secretary shall establish an advisory committee to prepare a plan to carry out and coordinate highway use tax evasion projects, monitor the results of the projects, provide progress reports, and make recommendations to the Secretary for the distribution of funds under this section, including recommendations for distributing funds among states fairly and equitably. The advisory committee members shall be appointed no later than 180 days after enactment. Members shall include representatives of the Federal Highway Administration, the Internal Revenue Service and the States. The advisory committee shall terminate on September 30, 1996.

The Secretary may not make a grant to a state unless it certifies that the aggregate expenditure of state funds, exclusive of Federal funds, for fuel tax enforcement activities will not fall below the average level expended for the last two years.

On October 1 and April 1 of each year, the Secretary shall transmit to the Senate Committee on Environment and Public Works and the House on Public Works and Transportation a report on motor fuel tax enforcement activities and the expenditure of funds made available under this section including the hiring of additional staff by any Federal agency.

There is $7 million authorized for fiscal year 1992 and $8 million per year for fiscal years 1993 through 1997 to be made available to the Secretary for projects under this section. Funds shall be obligated in the same manner and to the same extent as funds apportioned under chapter 1 of Title 23, except that the Federal share for projects shall be 100% and remain available under expended.

For the purposes of this section "state" means the 50 States and the District of Columbia.

Senate amendment

The amendment authorizes $5 million for each of the fiscal years 1992 through 1996 to carry out highway use tax evasion projects. The funds will be allocated to the Internal Revenue Service at the discretion of the Secretary. The funds may be used only to expand efforts to enhance motor fuel tax enforcement, fund additional IRS staff, supplement motor fuel tax examination and criminal investigation and for other related purposes.

The Secretary shall transmit to the Congress a report on motor fuel tax enforcement activities and the expenditure of funds made available under this section, including the hiring of additional staff by any Federal agency, on October 1 and April 1 of each year.

Conference substitute

Adopts the House provision with an amendment that authorizes $25 million in contract authority and $15 million in General Fund appropriations spread out over the 6-year life of the bill.

SUBSTITUTE PROJECT

House bill

The House provision allows the Secretary to approve substitute highway, bus transit, and light rail transit projects, in lieu of construction of I-94.

Senate amendment

The Senate amendment is similar; however, the source of funding for any transit substitute projects approved shall be the Mass Transit Account of the Highway Trust Fund.

Conference substitute

The Senate recedes to the House.

RENTAL RATES

House bill

The House bill authorizes a study on equipment rental rate for use of reimbursing contractors for extra work on Federal-aid projects.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

The conference substitute adopts the House provision.

SCENIC BYWAYS PROGRAM

House bill

Section 147 of the House bill establishes a Scenic Byways Advisory Committee within the Department of Transportation for the purpose of assisting the Secretary in developing a national scenic byways program and in making recommendations to the Secretary regarding minimum criteria for use by state and Federal agencies in designating highways as scenic byways and all-American roads.

Membership must consist of the Administrator or a designate of the Administrator of the Federal Highway Administration; the Chief or designee of the Chief of the Forest Service of the Department of Agriculture; the Director or designee of the Director of the Bureau of Land Management of the Department of the Interior; the Under Secretary or designee of the Under Secretary for Travel and Tourism of the Department of Commerce; the Assistant Secretary or designee of the Assistant Secretary of Indian Affairs of the Department of the Interior; and appointees of the Secretary to represent the interests of conservationists, recreational users of scenic byways, the tourism industry, historic preservationists, highway users, state highway and transportation officials, local highway and transportations officials, an individual qualified to serve on the advisory committee as a planner, one representative each of the motoring public and of groups interested in scenic preservation, and a representative of the outdoor advertising industry.

Recommendations made by the advisory committee shall include consideration of the scenic beauty and historic significance of highways proposed for designation and the areas surrounding the highways; operation and management standards for scenic byways and all-American roads including strategies for maintaining and improving their scenic and historic qualities, for protecting and enhancing landscape and view corridors and for minimizing traffic congestion; standards for scenic byway-related signs, and other matters.

No later than 18 months after enactment, the advisory committee shall submit to the Secretary and Congress a report with all recommendations described in this section. The Secretary shall provide technical assistance and grants to the states for planning, design and development of state scenic byway programs.

An Interim Scenic Byways Program is created for fiscal years 1992, 1993 and 1994, during which the Secretary may make grants to the States for eligible projects on State-designated scenic byways. The Secretary is to give priority to eligibility projects which are included in a corridor management plan for maintaining scenic, historic, recreational, cultural and archeological characteristics of the corridor while providing for accommodation of increased tourism and development of related amenities; to eligible projects for which a strong local commitment is demonstrated for implementing the management plans and protecting the characteristics for which the highway is likely to be designated; to eligible projects included in programs which can serve as models for other States; and to eligible projects in multi-State corridors where the States submit joint applications. Eligible projects include planning, design, and development of State scenic byway programs; making safety improvements to the extent such improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway; construction of facilities for the use of pedestrians and bicycles, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretative facilities; improvements to the highway which will enhance access to an area for the purpose of recreation, including water-related recreation; protecting historical and cultural resources in areas adjacent to the highway; and developing and providing tourist information to the public, including interpretive information about the scenic byway.

Senate amendment

Section 129 provides for the creation of a National Scenic and Historic Byways Program and implements the recommendations from the national study completed by the Federal Highway Administration in January 1991. As part of this program, the Federal Highway Administration will establish the capability to provide information and technical assistance to the state agencies responsible for scenic and historic byway programs. In addition, the Federal Highway Administration will provide grants to these state agencies for the planning, design, and development of State scenic byway programs. These grants may be used for initiating or expanding planning and program development efforts and for providing such road user amenities as information services, maps and brochures, and interpretive displays on existing byways. Criteria for allocating these grants will be established by the Federal Highway Administration consistent with the findings from the national study.

The development of the All American Roads Programs should include a broad-based group of federal, state, local, and private sector representatives having knowledge and experience with scenic byway programs. At a minimum, the federal involvement should include representatives from the Department of Transportation, the United States Forest Service, the Bureau of Land Management, the National Park Service, the Bureau of Indian Affairs, and the U.S. Travel and Tourism Administration. The national study should be consulted in developing the criteria for the All American Roads program. Roads to be considered for this program are to be nominated by the states and federal agencies. For state-owned roads nominated by federal agencies, the state department of transportation shall concur in the nomination. The intent of the All American Roads program is to identify and designate roads having outstanding qualities of scenic, historic, and cultural attractiveness; to preserve and protect these roads and their unique characteristics; and to enhance rural tourism, economic development, and world-class tourism destinations.

Conference substitute

The Conference Substitute adopts the House version, but permits up to 10 percent of scenic highway funds to be used for billboard removal on scenic byways.

The Conferees intend that under the Conference agreement no new billboards shall be enacted on scenic byways on the Interstate or Primary Systems as those systems are in effect on the date of enactment of the Intermodal Transportation Efficiency Act of 1991.

UNIFORM TRAFFIC CONTROL DEVICES

House bill

This section authorizes the Secretary to carry out a project in Arkansas to provide training to country and town traffic officials in the need for and application of uniform traffic control devices and to demonstrate the safety benefits of providing for adequate and safe warning and regulatory signs.

A total of $1.2 million is authorized for fiscal year 1992 to carry out this project.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The conference substitute adopts the House provision.

RURAL AND URBAN ACCESS PROJECTS

House bill

Subsection (a) authorizes specific projects for the Secretary to carry out to ensure better rural access and promote economic development in rural areas. $100 million is authorized for FY 1992 and $150 million is authorized for each of FY's 1993 through 1996 to carry out these projects.

Subsection (b) authorizes specific projects to enhance urban access and urban mobility. $100 million is authorized for FY 1992 and $150 million is authorized for each of FY's 1993 through 1996 to carry out these projects.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The conference substitute contains the House provisions with the following changes: (1) various authorization levels for projects were modified, and (2)

MOLLY ANN'S BROOK, NEW JERSEY

SECTION 150

House bill

The House bill directs the Secretary to carry out a project to make modifications to bridges necessary for the Secretary of the Army to carry out a project for flood control, Molly Ann's Brook, New Jersey, authorized by section 401 of the Water Resources Development Act of 1986. Any Federal expenditures for the raising of bridges over Molly Ann's Brook shall be treated as part of the non-Federal share of the cost of such flood control project.

Senate amendment

No comparable provision.

Conference substitute

Same as House bill.

PASSAIC AND BERGEN COUNTIES, NEW JERSEY

House bill

This section creates a model program of delegation to the State of New Jersey of the Administration of the completion of Route 21 in Passaic County. All aspects of law, regulation, policy and practice are delegated to the State and the State is authorized to administer all aspects of the project design and construction process pursuant to State laws, rules and regulations.

It is the intention of the Committee to continue to determine methods of reducing the time required to complete an urban highway project, as was provided for in the Surface Transportation and Uniform Relocation Assistance Act of 1987, Sec. 149(a)(1), when administration of all Federal Highway Administration requirements are delegated to a state. It is also the intention of the Committee that time reduction be demonstrated through acquisition of right-of-way prior to the determination of the preferred alternative.

The Committee expects expeditious construction of this long-delayed and badly needed project and, therefore, all Federal regulatory requirements, including but not limited to procurement of professional services, staging of design and Right-of-Way acquisition, and all Federal procedures, practices and interpretations, are delegated to the State and may be waived by the State if considered in the public interest.

Senate amendment

No comparable provision.

Conference substitute

Adopts House provision with a modification to authorize the Government to waive any and all Federal requirements relating to the scheduling of activities associated with such highway project, including final design and right-of-way activities.

REGULATORY INTERPRETATIONS

House bill

This section requires that any regulations, rulings, or decisions issued by the Department of Transportation relating to the Buy America requirements be applied as if to include coating.

This section also requires that Sec. 393.95 of Title 49 of the Code of Federal Regulations shall be applied so that fusees and flares are given equal priority with regard to use as reflecting signs.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provisions.

HANDICAPPED PARKING

House bill

Subsection (a) requires the Secretary to conduct a study on the programs being made by the states in adopting and implementing a uniform system for handicapped parking regulations issued by the Department of Transportation.

Subsection (b) provides for the Secretary to report to the Congress within two (2) years from the date of enactment of this Act the results of the study.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The conference substitute adopts the House provision.

ROADSIDE BARRIER TECHNOLOGY

House bill

This section requires each state use innovative safety barriers for at least 5 percent of the mileage of new or replacement permanent median barrier included in awarded contracts on Federal aid highways. Innovative safety barriers are those barriers, other than guard rail, that are classified by the Federal Highway Administration as experimental or that were classified as operational after January 1, 1985. Each state is required to certify annually to the Secretary its compliance with this requirement.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the House provision with a modification in the requirement. The Conferees agree that 2.5%, rather than 5%, of new or replacement permanent median barrier erected in each state must be "innovative safety barrier".

DESIGN STANDARDS

House bill

Section 155 of the House bill requires the Secretary to conduct a survey to identify current state standards on all Federal-aid highways relating to geometric design, traffic control devices, roadside safety, safety appurtenance designs, uniform traffic control devices and sign legibility and directional clarity for the purpose of determining the need to upgrade such standards.

The Secretary must report to Congress on the results of the Survey and on the crashworthiness of traffic lights, traffic signs, guardrails, impact attenuators, concrete barrier treatments and breakaway utility poles for bridges and roadways currently used by states, together with any recommendations, within two years after enactment.

Senate bill

The Senate bill contains no comparable provision.

Conference substitute

The Conference substitute adopts the House language.

Effective Date

House bill

The House amendment allows unobligated balances of funds apportioned to the States to be transferred to program categories.

Senate amendment

Identical provision that includes the Senate program categories.

Conference substitute

The Conference substitute includes the Senate provision with comparable Senate categories.

Unobligated Balances

House bill

The House bill provides that the amendments of this title do not apply to funds appropriated before September 30, 1991. It also provides that unobligated balances apportioned before October 1, 1991 shall be obligated according to the law in effect on September 30, 1991. In some cases, the unobligated balances may be transferred to the primary, secondary, interstate 4R or urban system programs if the unobligated funds were apportioned before October 1, 1991.

Senate amendment

The Senate provision provides that unobligated balances apportioned for the primary, secondary and urban systems and the railway-highway crossing and hazard elimination programs may be obligated for the Surface Transportation Program.

Conference substitute

The managers have provided that unobligated balances already apportioned are transferable to the new program.

Innovative Projects

House bill

This section authorizes the Secretary to carry out specific projects demonstrating innovative techniques and advanced technologies in highway construction. $100 million is authorized for FY 1992 and $225 million is authorized for each of Fy's 1993 through 1996 to carry out these projects.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The conference substitute contains the House provisions with modifications to various authorization levels for projects.

ORANGE COUNTY TOLL PILOT PROJECTS

House bill

This section exempts certain toll pilot projects in Orange County, California, from section 4(f) requirements applicable to public park, recreation area, wildlife and waterfowl refuges.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The conference substitute contains the House provision.

PRIOR DEMONSTRATION PROJECTS

House bill

This section amends the provisions of three demonstration projects located in Tampa, Florida; Santa Fe, New Mexico; and Larkspur to Korbel, California, that were authorized in the Surface Transportation and Uniform Relocation Assistance Act of 1987 to make the unobligated balances of funds available for other projects.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

WILLIAM H. HARSHA BRIDGE

House bill

This section renames the United States Route 68 bridge across the Ohio River between Aberdeen, Ohio, and Marysville, Kentucky, as the William H. Harsha Bridge.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The conference substitute adopts the House provision.

COMMEMORATION OF DWIGHT D. EISENHOWER NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

House bill

This section authorizes the Secretary to conduct a study to determine the appropriate symbol or emblem to be placed on highway signs to commemorate Former President Eisenhower for his efforts to enact legislation authorizing the construction of the Interstate System.

The report shall be submitted to the Congress not later than one year after the effective date of this title.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

USE OF HIGH OCCUPANCY VEHICLE LANES BY MOTORBIKES

House bill

This section requires the Secretary to not recognize any certification made by a state on the safety of motor bikes on high occupancy vehicle lanes that was made prior to the enactment of the Intermodal Surface Transportation Infrastructure Act of 1991 until the Secretary publishes notice of such certification in the Federal Register and provides an opportunity for public comment on such certification.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

TOURIST ORIENTED DIRECTIONAL SIGNS

House bill

This section directs the Secretary to encourage states to provide for equitable participation in the use of tourist oriented directional signs, or logo signs, along the Interstate and Federal-aid primary systems as covered under the Highway Beautification Act.

The Secretary is required to report to the Congress on the participation in the use of tourist oriented directional signs within one year of enactment.

There have been reports that new business enterprises opening at exits on Interstate highways are not afforded equal treatment as all competitors. The intent of this provision is to encourage states to administer their tourist oriented directional logo signs program fairly among all interested eligible enterprises.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

PENSACOLA, FLORIDA

House bill

This section authorizes the Secretary to conduct a study of the feasibility of constructing a 4-lane highway, in accordance with all Federal standards applicable to the construction standards of Interstate highways, to connect Interstate Route 65 and Interstate Route 10 in Pensacola, Florida.

The Secretary must transmit the report along with recommendations for the location of a corridor to construct the 4-lane highway connector not later than 2 years after the date of enactment of this Act.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

CALHOUN COUNTY, MISSISSIPPI

House bill

This section amends section 403 of the Appalachian Regional Development Act of 1965 to include Calhoun County, Mississippi as an eligible county for receipt of Appalachian Regional Development funds.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

HIGHER FEDERAL SHARE

House bill

This section authorizes for higher Federal share projects constructed on Federally-owned property and for projects entitled to a higher Federal share under Section 204 of 23 U.S.C.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

WORK ZONE SAFETY

House bill

Sec. 168 of the House bill requires the Secretary of Transportation to develop a work zone safety program which would improve work zone safety by enhancing the quality and effectiveness of traffic control devices, safety appurtenances, traffic control plans, and bidding practices for traffic control devices and services.

No later than 2 years after enactment of this title, the Secretary shall submit to Congress such proposed program and recommendations for implementation.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference Report directs the Secretary to develop and implement a work zone safety program.

MISCELLANEOUS PROJECTS

House bill

This section authorizes a series of miscellaneous highway projects to be appropriated.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

RAILROAD RELOCATION DEMONSTRATION PROGRAM

House bill

This section extends the amounts ($15 million per fiscal year) authorized for the railroad relocation demonstration program an additional three years through fiscal year 1994.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

J. CLIFFORD NAUGLE BYPASS

House bill

This section designates the highway bypass being constructed around the Borough of Ligonier in Westmoreland County, Pennsylvania, as the "J. Clifford Naugle Bypass." Mr. Naugle is the former mayor of Ligonier and has worked tirelessly to advance the construction of the bypass.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

INTERIM ADVANCE CONSTRUCTION PROGRAM

House bill

This section authorizes the reimbursement for the construction of eligible Federal-aid highway projects commenced after September 30, 1991 and before the date of enactment of this Act. The amounts obligated under this provision is limited to the amounts apportioned to the states for fiscal year 1991.

Senate amendment

No comparable provision.

Conference substitute

No provision.

PRESIDENTIAL HIGHWAY, FULTON COUNTY, GEORGIA

House bill

The bill authorizes the Secretary to approve the construction of the Presidential Highway as agreed to by the Georgia Department of Transportation, the city of Atlanta, and CAUTION, Inc. The execution of the settlement agreement by the DeKalb County, Georgia Superior Court will be deemed to constitute full compliance with all Federal laws applicable to carrying out the project.

There is also a limitation established on the expenditure of Federal funds for the construction of this project. All limitations on the construction and funding of the Presidential Highway are subject to the approval of the settlement agreement executed by all parties.

Senate amendment

No comparable provision.

Conference substitute

Adopts House provision.

INFRASTRUCTURE AWARENESS PROGRAM

House bill

This section authorizes $2 million for the purpose of creating an awareness by the public and state and local governments of the state of the Nation's infrastructure and to encourage and stimulate efforts by the public and governments to undertake studies and projects to improve the infrastructure.

The Secretary is authorized to fund the production of a documentary on the state of the Nation's infrastructure with a not-for-profit national public television station.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

UNITED STATES-CANADA BRIDGES

House bill

This section authorizes the Secretary to collect and analyze data on the volume of traffic crossing at three international bridge crossings under the authority of the Niagara Falls Bridge Commission.

Senate amendment

No comparable provision.

Conference substitute

The Conference substitute provides the Niagara Falls Bridge Commission the authority to issue tax exempt bonds.

USE OF COMPOST

House bill

This section expresses the sense of Congress that State and local governments should encourage the environmentally safe use of compost and other products along the rights-of-way of Federal-aid highways.

Senate amendment

No comparable provision.

Conference substitute

No provision.

STUDY ON STATE COMPLIANCE WITH REQUIREMENTS FOR REVOCATION AND SUSPENSION OF DRIVERS' LICENSE

House bill

This section authorizes the Secretary to conduct a study of States' efforts to comply with provisions relating to revocation and suspension of drivers' licenses for individuals convicted of drug and alcohol offenses. The study shall be transmitted to Congress not later than 180 days after the date of enactment.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision with a change in the date of the report.

PRIVATE SECTOR INVOLVEMENT PROGRAM

House bill

This section authorizes the Secretary to establish a private sector involvement program to encourage States to contract with private firms for engineering and design services in carrying out Federal-aid highway projects.

The Secretary is also authorized to make grants to States to conduct this program.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision with a modification to ensure that any contracts would be cost effective.

NEW HAMPSHIRE FEDERAL-AID PAYBACK

House bill

This section authorizes the State of New Hampshire to repay to the Treasurer of the United States the amount of Federal-aid highway funds paid on account of those completed sections of the Nashua-Hudson Circumferential. The amounts repaid will be deposited to the credit of the unprogrammed balance of funds apportioned to the State of New Hampshire. The amounts credited to the State will be in addition to all other funds apportioned to the State and shall remain available until expended.

Upon repayment of the Federal share of the cost to construct certain segments of the Nashua-Hudson Circumferential, the State of New Hampshire may impose and collect tolls on the Nashua-Hudson Circumferential.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

METRIC SYSTEM SIGNING

House bill

Repeals the prohibition for the placement of metric signs along Federal-aid highways.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

SIGNING OF UNITED STATES HIGHWAY 71

House bill

This section authorizes the Arkansas State Highway and Transportation Department to erect signs along United States Highway 71 from the I-40 intersection to the Missouri-Arkansas State line designating the highway as the "John Paul Hammerschmidt Highway" as required to be erected by the Arkansas State law designated as Act 6 of 1989.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

DISPOSITION OF PAVING MATERIALS

House bill

Section 186 of the House bill requires the Secretary to initiate, no later than 60 days after enactment of this Act, a rulemaking proceeding to establish minimum requirements for the economic reuse and environmentally sound disposition of pavement materials removed during construction, reconstruction, or repaving in any federally assisted highway project.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The House recedes to the Senate since section 143, Recycled Paving Materials, contains a provision requiring the Secretary to study state practices with regard to disposal of pavement materials removed during construction.

STUDY ON IMPACT OF CLIMATIC CONDITIONS

House bill

This section authorizes the Secretary to conduct a study of the effects of climatic conditions on the costs of highway construction and maintenance. The study shall consider various climatic conditions and the impact of the climatic conditions on increased highway design costs and decreased highway service life in the various regions of the United States.

The Secretary shall transmit the results of the study along with any recommendations to Congress not later than September 30, 1993.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

METHODS TO REDUCE TRAFFIC CONGESTION DURING CONSTRUCTION

House bill

This section expressed a sense of Congress that many highway projects are carried out in a way which unnecessarily disrupts traffic flow during construction and that methods need to be adopted to eliminate or reduce these disruptions.

The Secretary is required to conduct a study on methods of enhancing traffic flow during construction and report to Congress on the results of the study not later than September 30, 1992.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

GUARANTY AND WARRANTY CLAUSES

House bill

This section requires the Secretary to develop regulations to permit a State highway department to include a clause in a contract for engineering and design services, or for the construction of any Federal-aid highway projects for work performed.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute authorizes a study to be conducted by the Secretary on the feasibility of requiring the inclusion of warranty or guaranty clauses for work performed on Federal-aid highway projects.

HIGHWAY TREE PLANTING PROGRAM

House bill

The bill authorizes $5 million per fiscal year for each of the fiscal years 1992 through 1996 for the Secretary to make grants to States for developing a plan for tree planting, developing, and implementing a program for the planting of trees along the rights-of-way of Federal-aid highways. The maximum aggregate amount of grants to a State in a fiscal year is limited to $500,000 and the Federal share may not exceed 60 percent.

The Secretary is required to take action as necessary to encourage State highway departments to enter into cooperative agreements with State foresters to implement the requirements of this subsection. The donation of trees is permitted for carrying out the provisions of this section.

Senate amendment

No comparable provision.

Conference substitute

House recedes to the Senate.

FEDERAL SHARE ON SPECIAL PROJECTS

House bill

This section requires the Federal share payable on account of any demonstration project authorized under certain sections to be 80 percent.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

PRIVATE PROPERTY RIGHTS

House bill

No comparable provision.

Senate amendment

Title IV of the Senate Amendment imposes certain procedural requirements for regulations issued by all Federal agencies. Prior to the promulgation of any regulations by any agency, the Attorney General must certify that the regulation is in compliance with the Executive Order 12630 or similar procedures relating to minimizing the taking of private property as a result of regulatory activity.

Conference substitute

The Senate recedes to the House.

CLEVELAND HARBOR, OHIO

House bill

Section 182 of the House bill deauthorizes a portion of the navigation project for Cleveland Harbor, Ohio to allow for the consideration of permit applications related to construction activities within a portion of Cleveland Harbor. The U.S. Army Corps of Engineers will not consider applications for permits to conduct activities in navigable waters which would impact upon a Federally authorized navigation project.

Senate amendment

No comparable provision.

Conference substitute

The conference Substitute adopts the House provision with an amendment. The Conference Substitute adds language to also declare a certain portion of Cleveland Harbor as nonnavigable waters of the United States.

STORMWATER PERMITS

House bill

No comparable provision.

Senate amendment

Section 140L of the Senate Amendment extends certain application deadlines for and enforcement of the stormwater permitting requirements of Section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) for industrial activities owned or operated by municipalities with a population of under 100,000.

Conference substitute

The conference substitute extends individual and group permit application deadlines for stormwater discharges associated with industrial activities from municipally owned or operated facilities. Individual permit applications must be submitted no later than October 1, 1992, except that where a timely group permit application is denied the applicant would be entitled to an additional six months from the date of the denial to submit an individual application. Group application deadlines are extended until September 30, 1991 for Part I and October 1, 1992 for Part II except that for municipalities of under 250,000 an additional period of time is provided. No stormwater discharge permits for industrial activities for municipalities of under 100,000 are required prior to October 1, 1992 except stormwater discharges from municipally owned or operated power plants, airports, and certain landfills. The conference substitute also requires that general permit regulations for stormwater discharge permits be promulgated no later than February 1, 1992. The conference substitute is not intended to prejudice or in any manner affect any ongoing litigation.

Hudson River, New York

House bill

No comparable provision.

Senate amendment

Section 140U of the Senate Amendment declares a portion of the Hudson River, New York to be nonnavigable waters of the United States. The area declared as nonnavigable is the current location of the structure known as Pier A and its immediate surroundings. The nonnavigability declaration does not affect the application of Federal laws or regulations to activities within the area declared nonnavigable.

Conference substitute

Same as the Senate Amendment.

Providence, Rhode Island, Bridge Removal

House bill

No provision.

Senate amendment

No provision.

Conference substitute

The Conference Substitute includes a provision to extend the authorization for a project to remove the center span of the India Point Railroad Bridge over the Seekonk River in Providence, Rhode Island. The project was originally authorized pursuant to Section 1166(c) of the Water Resources Development Act of 1986 but has been deauthorized by operation of law.

BRUNSWICK HARBOR, GEORGIA

House bill

No provision.

Senate amendment

No provision.

Conference substitute

The Conference Substitute includes a provision to deauthorize the Academy Creek feature of the Brunswick Harbor, Georgia navigation project. This feature is no longer needed for commercial navigation.

PORT CANAVERAL, FLORIDA

House bill

No provision.

Senate amendment

No provision.

Conference substitute

The Conference Substitute includes a provision to deauthorize a portion of the Federal navigation project for Port Canaveral, Florida, to accommodate new, larger cruise ships at the Port's terminals.

JOSEPH RALPH SASSER BOAT RAMP

House bill

No provision.

Senate amendment

No provision.

Conference substitute

The Conference Substitute includes a provision to name a boat ramp facility on the Mississippi River in Shelby County, Tennessee on behalf of Joseph Ralph Sasser, the late father of Senator Jim Sasser.

Mr. Sasser joined the Soil Conservation Service—Civilian Conservation Corps in Selmer, Tennessee in 1935. He attained the rank of major in the 1st Marine Division during World War II. After the war, he returned to work with the Soil Conservation Service until 1970. He then went to Tennessee State University as U.S. Department of Agriculture Liaison Officer until his retirement in 1972. He worked tirelessly for the improvement and preservation of the natural resources of Tennessee.

LINDY CLAIBORNE BOGGS LOCK AND DAM

House bill

No provision.

Senate amendment

No provision.

Conference substitute

The Conference Substitute includes a provision renaming lock and dam number 1 on the Red River Waterway in Louisiana as the Lindy Claiborne Boggs Lock and Dam.

Congresswoman Boggs served in the House of Representatives from 1973, succeeding her husband Hale Boggs, who had served in the House for 27 years, until the end of the 101st Congress. She was the first woman from Louisiana to serve in the House. She devoted great energies to improving the lives of children and to protecting the rights of all Americans. She represented the people of New Orleans with grace, wit, and dedication to the best public policies.

ROCKAWAY INLET TO NORTON POINT, NEW YORK

House bill

No provision.

Senate amendment

No provision.

Conference substitute

The Conference Substitute includes a provision modifying the project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point, to authorize construction of the project in accordance with the current General Design Memorandum dated April 1991. The project was originally authorized for construction by section 501(a) of the Water Resources Development Act of 1986.

APPOMATTOX RIVER, VIRGINIA

House bill

No provision.

Conference substitute

The conference substitute provides that the Federal Energy Regulatory Commission (FERC) shall re-issue a license under the Federal Power Act to the Appomattox River Water Authority together with any amendments necessary and appropriate and extend the period for construction for three years after enactment. The order would be subject to the requirements of this section and the Federal Power Act. During the three year period FERC is directed to issue an order at the request of the Authority permitting the authority to transfer a license to a third party for the purpose of protecting the Authority from challenge as specified in this provision. The transferee would be subject to, and must comply with, the Federal Power Act, including provisions of section 10 relating to fish and wildlife.

The transferred license would be subject to revocation at the request of the Authority to permit the Authority to surrender the license. That surrender could not take place, however, until notice, the completion of the project construction, including fish and wildlife facilities, and delivery to FERC of a statement by the Board of the Authority that there is a need to surrender because the Authority would be acting in violation of its charter or be inconsistent with bond indentures. The provision requires FERC to accept this surrender.

In addition, the provision includes authority for the FERC to extend the period for construction under section 13 of the Federal Power Act for three identified projects.

Finally, the provision relates to a project in Union City, Michigan and provides that it is not unlawful for the municipality of Union City to operate, maintain, repair, reconstruct, replace or modify the project without a license from FERC.

INTERSTATE MAINTENANCE

House bill

The House bill does not continue Interstate 4R as a separate category, however, it requires that a minimum amount of funds apportioned to the states for the National Highway System must be used for interstate resurfacing, restoring, and rehabilitating. The minimum amount shall be equal to 70 percent of the amounts apportioned to each state in fiscal year 1991 under the Interstate 4R program.

Senate amendment

The Senate amendment renames and modifies the existing Interstate 4R program to eliminate eligibility for projects which expand capacity, except in the case of expansion of capacity for projects where the expansion is for other than single occupant vehicles.

The provisions which allow an unconditional transfer of up to 20 percent of the Interstate Maintenance Program funds to other categories are retained. It requires a positive finding by the Secretary that a State transportation department is adequately maintaining the Interstate system before a State may be allowed to transfer to other categories an amount of Interstate Maintenance funds in excess of 20 percent of its Interstate Maintenance apportionment.

The Federal share for any Interstate maintenance project is established at 80 per centum. The provisions to allow increases in participation ratios up to 95 percent based on the percentage of Indian or Federal lands within the State has been retained.

The Secretary is required to develop guidance for the State transportation departments for determining what share of a project is attributable to the expansion of capacity of an Interstate highway and for what criteria will be used to determine whether the State is adequately maintaining the Interstate system before the State is allowed to transfer to other categories an amount of Interstate Maintenance funds in excess of 20 percent of its Interstate Maintenance apportionment.

Conference substitute

The conference substitute adopts the Senate amendment with some technical changes: (1) eligibility for preventative maintenance is tied to a cost effectiveness determination per recommendations by the General Accounting Office, and (2) eligible for funding for non-chargeable interstate segments.

TOLL FACILITIES

House bill

The House bill amends title 23, United States Code, to permit Federal participation in toll highways, bridges and tunnels at the option of all states. The House bill contains limitations on the kinds of facilities that may be tolled and continues the maximum federal participation at 35%.

Senate amendment

The Senate amendment amends title 23, United States Code, in a manner similar to that of the House. In addition, the Senate would permit up to 80% federal participation in the cost of the project for rehabilitation of existing toll facilities or conversion of existing free facilities to toll facilities.

Conference substitute

The conference substitute contains the provision allowing all states the option of using federal-aid highway funds on toll road facilities except for Interstate Highways. Other provisions contained in the House bill and Senate amendment thereto have been combined.

NATIONAL MAGNETIC LEVITATION DESIGN PROGRAM

House bill

No comparable provision.

Senate amendment

The Senate amendment declares that it is the policy of the United States to establish in the shortest time practicable a United States designed magnetic levitation technology capable of operating along Federal-aid highway rights-of-way as part of a national transportation system of the United States. It establishes a National Magnetic Levitation Design Program to be managed jointly by the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works and requires development of a strategic plan for the design and construction of a magnetic levitation surface transportation system to be delivered to Congress within 18 months of enactment of the Act.

It establishes a three-phase competitive contract program to ultimately develop and construct an operational prototype maglev system within six years of enactment of the Act. Projects are to be cost-shared with non-federal organizations to encourage collaborative research. The Senate amendment authorizes $750 million for the program, and periodic reports to Congress are required.

Conference substitute

The conference agreement accepts the Senate amendment with substantial modifications. The title of the section is changed to the

National High-Speed Ground Transportation Programs, and a National High-Speed Ground Transportation Technology Demonstration Program and high-speed ground transportation research and development are added to the maglev prototype development program. The strategic plan for development of a national maglev transportation system is replaced with a report to Congress in 1995 on the commercial feasibility of one or more high-speed ground transportation systems in the United States, and the time line to develop the maglev prototype is extended by 18 months. Funding for the maglev prototype program is reduced to $700 million, of which $475 million is to come from the Mass Transit Account of the Highway Trust Fund and the rest from general revenues. Authorization for the Transportation Technology and Demonstration Program is $50 million, of which $25 million is to come from the Mass Transit Account and the remainder from general revenues. The research and development program is authorized at $25 million from general revenues.

The Secretary will be required to establish, no later than June 1, 1996, a National High-Speed Ground Transportation Policy. In addition, current law is amended to permit the Secretary to guarantee obligations for qualified high-speed rail systems pursuant to Section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 831. It is the intent of the conferees that all obligations authorized pursuant to this section, National High-Speed Ground Transportation Programs, will be funded in full.

Section 302 of title 49, United States Code, is amended by declaring it to be the policy of the United States to promote the construction and commercialization of high-speed ground transportation systems by conducting economic and technological research demonstrating advancements in high-speed ground transportation technologies, and establishing a comprehensive policy for the development and integration of various high-speed ground transportation technologies, and minimizing long-term risks to investors.

The conferees recognize that increasing delays related to congestion on highways and airports could be mitigated by high-speed ground transportation technologies such as maglev and high-speed steel wheel, but that the risks of development are too great to be borne without government participation. It is the intent of the conferees to encourage development of such technologies, cooperatively with the non-federal organizations, by sharing in the costs and risks of development. The conferees recognize that government subsidies for high-speed ground transportation systems may be appropriate in cases where economic externalities such as pollution, time lost due to congestion, and condemnation of private property to build new airports and highway lanes, are not adequately reflected in the cost of alternative transportation modes.

This section also declares that it is the policy of the United States to establish in the shortest time practicable a United States-designed and constructed maglev technology capable of operating along Federal-aid highway rights-of-way, as part of a national transportation system of the United States. The conferees recognize that maglev technology was originally developed in the United States in the 1970's, but that since that time lack of funding has resulted in technology development for maglev and high-speed steel wheel technology shifting to Japan and Europe. This section reflects the conferees' desire to shift the balance back toward the United States by encouraging development of next-generation U.S. technologies relating to maglev, superconductors, vehicles, switching, and other technology relating to maglev and/or high-speed steel wheel. Because of the significant cost of right-of-way acquisition in congested corridors, the conferees further intend that high-speed ground transportation technologies be developed to take advantage of existing Federal-aid highway and/or railroad rights of way along substantial portions of their route.

There is established a National Magnetic Levitation Prototype Development Program to be managed by a Program Director appointed jointly by the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works. The Director will carry out the program through a National Maglev Joint Project Office. The conferees recognize that if the program is to be successful, it must have a single leader of exceptional capability, who can coordinate the considerable and varied expertise available to the program from the Department of Transportation and the Corps of Engineers, as well as other interested Federal agencies. The conferees intend that the Director should have substantial technical expertise in a maglev-related technology and successful experience in managing large, complex research and development programs. The conferees do not intend for the Maglev Joint Project Office to be larger than the minimum needed to support the activities of the Director.

Development of a maglev prototype shall occur in three phases. Not later than 12 months after enactment of the Act, the Maglev Project Office shall release a request for proposals for research and development of conceptual designs for a maglev prototype system. The conferees extended the time for submission of the request for proposals to allow the technical results from research currently funded under the National Maglev Initiative to be applied to the preparation and review of Phase I proposals.

Not later than 15 months after enactment of the Act, the Secretary and Assistant Secretary shall award up to five Phase I contracts for development of conceptual plans for development of the prototype. Criteria that should be considered in reviewing the proposals include cost-effectiveness, ease of maintenance, safety, limited environmental impact, ability to achieve sustained high speeds, ability to operate along Interstate highway rights-of-way, the potential of a guideway design to be a national standard, the bidder's resources, capabilities, and history of successfully designing and developing systems of similar complexity, and the desirability of geographic diversity among contractors. The conferees intend that these criteria be applied in such a way as to maximize the probability that the conceptual design will successfully meet the criteria for selection of a Phase III contract, and that awards be made according to the technical merits of the proposals as determined by the Director with advice from expert peer reviewers. The conferees do not intend that poor Phase I projects be selected to satisfy the geographic criterion, but do intend that criterion to be applied to technically acceptable proposals. Bidders are to pay ten percent of the Phase I project costs. it is the intention of the conferees that Phase

I contracts be funded at $7–10 million each. Phase I project reports are to be completed within 12 months of contract awards.

It is the intention of the conferees that Phase I and all other contracts include opportunities to conduct research and development in support of components of the proposed designs. The conferees recognize the need to conduct research and development in such areas as superconducting magnets, low-weight vehicle technology and aerodynamics, electromagnetic shielding, environmental mitigation, propulsion systems, guideway configuration and manufacturing technology, switching technology, and rider safety and comfort. The conferees believe that such research and development will be more efficient and productive if it is associated with one or more integrated conceptual designs, than if it is conducted in isolation, but believe that it is critical to the success of developing a United States maglev industry.

Within 3 months of receiving the final reports from the Phase I projects, the Secretary and Assistant Secretary shall select not more than three participants to receive 18-month Phase II contracts for development of detailed designs for the prototype. Selection is to be based on technical merit and potential for further development of the design into a prototype. The Director will make recommendations to the Secretary and Assistant Secretary as to technical merit. Phase II contractors must contribute 20 percent of project costs and submit a final report within 18 months of contract awards.

It is the intention of the conferees that Phase II contracts be funded in the range of $40–50 million each and provide substantial requirements for research and development of components of the prototype. The conferees intend that at least two Phase II awards be made in order to allow alternative system designs to be evaluated. The conferees intend that at least one of the Phase II contracts be based on a superconducting suspension system, unless no acceptable design is submitted in Phase I. The conferees are willing to accept some risk and uncertainty in selection of Phase II contracts in return for reasonable prospects of developing an all-American maglev technology, except that the best technical Phase I project should be selected for Phase II, regardless of the technology. The conferees do not intend for a contract to be awarded to any contractor who did not submit a Phase I project report.

Within six months of receiving the detailed designs developed under Phase II, the Secretary and Assistant Secretary shall select one design for development into a full-scale prototype, unless they determine that no design should be selected based on technical feasibility and projected cost. A Maglev Prototype Selection Committee composed of members appointed by the Secretary, the Assistant Secretary, and the Majority and Minority Leaders of both Houses of Congress, is established to make a recommendation to the Secretary and Assistant Secretary on the prototype project to be selected. The conferees intend that the members of the Maglev Prototype Selection Committee be chosen for their technical expertise and experience in transportation systems planning and engineering. The conferees intend that the Director be responsible for providing thorough technical reviews of the Phase II contracts to the Committee, and otherwise assisting the Committee in making its recommendation.

If the Secretary and Assistant Secretary determine not to select a design, they shall report to Congress on the basis for such a determination, together with recommendations for further action, including further research, development or design, or termination of the program, or such other action such as they deem appropriate. The conferees intend that a failure to select a prototype design within the specified period constitutes a decision not to proceed, requiring a report to Congress.

It is the intent of the conferees that no prototype be developed if, in the opinion of the Director and the Selection Committee, none of the Phase II conceptual designs will yield a working prototype at a reasonable cost. The conferees understand that it is difficult accurately to anticipate the risks of implementing a new technology, and are willing to accept a prudent amount of risk in this regard. The conferees also intend that additional research and development will be performed as a component of prototype implementation.

In awarding a prototype contract, the Secretary and Assistant Secretary shall encourage the development of domestic manufacturing capabilities and, in selecting awardees, shall consider existing railroads with excess production capacity, including railroads with experience in advanced technologies, including self-propelled cars. The conferees do not intend to exclude manufacturers of aircraft, automobiles, or other vehicles by this provision.

Selection of a prototype design shall be based on consideration of the following factors, among others:

The project should be capable of utilizing interstate highway rights-of-way along significant portions of its route, and may also use railroad rights of way. The conferees recognize that right-of-way acquisition often represents a significant fraction of guideway cost in congested areas and intend to encourage technologies capable of minimizing such costs by incorporating guideway/vehicle systems capable of operation within the constraints of curve radii, interchanges, overpasses, and other features typical of interstate highway and railroad rights of way.

The project shall have sufficient length, at least 19 miles, to allow significant full-speed operation between stops. The conferees intend that the prototype be capable of evaluating factors that attend sustained high-speed operation which may be relevant to long-distance maglev systems.

No more than 75% of the cost shall be borne by the United States. The conferees intend the substantial non-federal investment to discourage contractors that do not have substantial confidence in completion of a successful operational prototype.

The project shall be constructed and ready for operational testing within 3 years. The conferees intend to attract non-federal cost-sharing by insuring that funding for the prototype will be available within the authorization period covered by this Act, and that the full cost of the prototype be obligated within the authorization period, with funds to be available until expended.

The project shall be located in an area that provides a potential ridership base for future commercial operation. The conferees intend that the maglev prototype be an experimental system capable of fully evaluating the chosen technical design, but the substantial federal investment, including the anticipated non-federal cost sharing, makes it highly desirable that upon completion of adequate testing, the system also be useful for assessing the economics of maglev travel, as well as providing a public service.

The project shall utilize a technology capable of being applied in commercial service in most parts of the contiguous United States. The conferees intend that the site chosen for construction of the project should, to the extent feasible, be so located as to test the technology in the rain and snow, changes in elevation, wind, and heat. To the extent that this is not completely feasible, the conferees intend that these factors be considered as part of the design, even if testing is not possible.

The project shall have at least one switch. The conferees recognize that high-speed switching technology is essential to the commercial application of maglev technology and should be tested in the prototype. The conferees believe that it also would be highly desirable to be able to test the effects of two vehicles passing in opposite directions on a guideway.

The section protects trade secrets and commercial or financial information, and protects any technology developed pursuant to this section under the Stevenson-Wydler Technology Innovation Act of 1980. The section provides contract authority and defines eligible participants as United States private businesses, United States public and private research organizations, Federal Laboratories, and consortia of such businesses, organizations, or laboratories.

The conference agreement amends Subchapter I of Chapter 3 of Title 49, United States Code, to provide for a National High-Speed Ground Transportation Technology Demonstration Program, and a research and development program. It requires the Secretary, in consultation with the Secretaries of Commerce, Energy, and Defense, the Administrator of the Environmental Protection Agency, the Assistant Secretary of the Army for Civil Works, and other heads of interested agencies, to lead and coordinate Federal efforts in the research and development of high-speed ground transportation technologies in order to foster the implementation of magnetic levitation and high-speed steel wheel on rail transportation systems as alternatives to existing transportation systems. This subsection also authorizes the Secretary to award grants and contracts for demonstrations of specific technologies in high-speed ground transportation projects or systems under construction or in commercial revenue service to determine the contributions that high-speed ground transportation could make to more efficient, safe, and economical intercity transportation systems.

The conferees intend that under the National High-Speed Ground Transportation Technology Demonstration Program established by this subsection, any eligible applicant may submit to the Secretary a proposal for demonstration of any advancement in a high-speed ground transportation technology or technologies to be incorporated as a component, subsystem or system in any revenue-service high-speed ground transportation project or system under construction or in operation at the time the application is made. The conferees intend that one or more of the specific criteria enumerated under this subsection be considered in awarding grants or contracts to applicants showing demonstrable benefit to the research and development, design, construction, or ultimate commercial operation of any maglev technology or high-speed steel wheel on rail technology. A total of $50 million, of which $25 million shall be derived from the Highway Trust Fund, shall be made available for grants and contracts awarded pursuant to this subsection.

The conferees intend that the Secretary shall have discretion over the amount and distribution of grants and contracts made pursuant to this subsection, except that no grants or contracts shall be awarded to demonstrate a technology to be incorporated in a State that prohibits under State law the expenditure of non-Federal public funds or revenues on the construction or operation of such projects or systems. Applicants eligible to participate under this demonstration program include any United States private business, State government, local government, organization of State or local governments, or any combination thereof. Any business owned in whole or in part by the Federal government is not considered to be eligible for participation. Recipients of grants made pursuant to this paragraph shall agree to submit a report to the Secretary detailing the results and benefits of the technology demonstration, during the demonstration or following the demonstration as required by the Secretary.

In establishing a high-speed ground transportation research and development program pursuant to this subsection, the Conferees intend to make available up to $25 million from general obligations to fund broad research and development into all forms of high-speed ground transportation. Specifically with respect to research and development related to maglev technology, several other Federal agencies in addition to the Department of Transportation have participated in the assessment of the future potential for maglev systems, including the Department of Energy, the Army Corps of Engineers within the Department of Defense, the Department of Commerce, and the Environmental Protection Agency. The national laboratories, including the Brookhaven and Argonne National Laboratories, have also been involved in maglev through the National Maglev Initiative program. The Conferees intend for the Secretary to coordinate and cultivate the relationships already established with these various Federal agencies and entitles as the present maglev technology assessment phase moves forward into further research, development, design and eventual construction of a prototype system.

In order further to promote research and development of all high-speed ground transportation technologies, including high-speed steel wheel on rail technologies, this section would give the Secretary authority to enter into cooperative research and development agreements (CRADAs) (as defined under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980), and one or more funding agreements (as defined by section 201 (b) of title 35, United States Code), with U.S. companies. These CRADAs and funding agreements would be entered into in order to conduct research to overcome technical and other barriers to the development and construction of high-speed ground transportation systems and to transfer that research and basic generic technologies to industry. The purpose of these agreements would be to help stimulate a viable commercial high-speed ground transportation industry within the United States.

The conferees envision that the Secretary would determine, with assistance from the director of any Government-operated Federal laboratory, which CRADAs to enter into with other Federal agencies; units of State and local government; industrial organizations (including corporations, partnerships, and limited partnerships, and industrial development organizations); public and private foundations; nonprofit organizations (including universities); or other persons (including licensees of inventions owned by the Federal agency). The Department of Transportation's Systems Center in Cambridge, Massachusetts, is a Federal laboratory with the demonstrated capability of performing research and development activities pursuant to this legislation. It is, however, the intent of the Conferees to provide the Secretary with sufficient flexibility to contract with any Federal laboratory as the Secretary deems appropriate.

In addition to the CRADA mechanism, the Conferees intend for the Secretary to enter into one or more funding agreements which do not require the participation of a Federal laboratory. Under a "funding agreement," the non-Federal recipient of Federal funds automatically gets the right to ownership of any patentable inventions resulting from research conducted under the agreement. Under a CRADA, the disposition of rights is negotiated. The Federal laboratory may agree to give up its ownership rights, or to grant licensing rights in advance.

The Conferees intend to provide the Secretary with clear authority to commit Federal funds to maglev and other high-speed ground transportation research and development both within and outside of the Federal laboratory environment. The conferees believe the use of funding agreements would provide additional incentives for private industry to participate in the research and development process.

In order to monitor the results of technology research, development and transfer conducted pursuant to this subsection, the conferees intend that the Secretary be required to provide reports to Congress at the end of FY 1993 and FY 1996 on activities conducted as a result of this subsection.

The conference agreement also requires the Secretary of Transportation to complete a study of the feasibility of constructing one or more high-speed ground transportation systems in the United States and to submit the results of such study to Congress by June 1, 1995. The study required under this section would consist of the following three parts: (1) an economic and financial analysis; (2) a technical assessment; and (3) recommendations for model legislation for State and local governments to facilitate construction of high-speed ground transportation systems.

The first part of the study is required to include the following components: (1) an examination of the potential market for a nationwide high-speed ground transportation network; (2) an examination of the potential markets for short-haul (e.g., commuter) high-speed ground transportation systems and for intercity and other long-haul high-speed ground transportation systems, including an assessment of the current transportation practices and trends in each market and the extent to which high-speed ground transportation systems would relieve the current or anticipated congestion on other modes of transportation; (3) projections of the costs of designing, constructing, and operating high-speed ground transportation systems, the extent to which such systems can recover their costs (including capital costs), and the alternative methods available for public and private financing; (4) consideration of the utility and availability of rights-of-way to serve each market, including the possibility of acquiring additional rights-of-way without significant adverse effects on adjacent communities; (5) a comparison of the projected costs of the various competing high-speed ground transportation technologies; (6) recommendations for funding mechanisms, tax incentives, liability provisions, and changes in statutes and regulations necessary to facilitate the development of individual high-speed ground systems and the completion of a nationwide high-speed ground transportation network; (7) an examination of the effect of the construction and operation of high-speed ground transportation systems on regional employment and economic growth; (8) recommendations for the roles appropriated for local, regional, and State governments to facilitate construction of high-speed ground transportation systems, including the roles of regional economic development authorities; (9) an assessment of the potential of a high-speed transportation technology export market; (10) recommendations regarding the coordination and centralization of Federal efforts relating to high-speed ground transportation; (11) an examination of the role of the National Railroad Passenger Corporation (Amtrak) in the development and operation of high-speed ground systems; and (12) any other economic or financial analyses the Secretary considers important for carrying out this title.

The economic and financial analysis described in the previous paragraph will require the Secretary to consider and analyze a broad range of issues. The conferees believe this analysis should provide Congress with an understanding of the current and future transportation marketplace and its relation to high-speed ground transportation, reasonable estimates of the cost of various high-speed ground transportation technologies, reasonable estimates of the cost of constructing high-speed ground transportation systems, possible and practical financial incentives for facilitating the development of high-speed ground systems, the relative benefits of high-speed ground transportation systems compared to current transportation systems, the economic benefits of developing high-speed ground transportation technology and systems, and the potential role of Amtrak in high-speed ground transportation systems in the United States.

The technical assessment required under the second part of the study requires the Secretary to examine: (1) the various technologies developed for use in the transportation of passengers by high-speed ground transportation, including a comparison of the safety (including dangers associated with grade crossings), energy efficiency, operational efficiencies, and environmental impacts of each system; (2) the potential role of a United States-designed maglev system, developed as a prototype under the National Magnetic

Levitation Prototype Development Program of this Act in relation to the implementation of other high-speed ground transportation technologies and the national transportation system; (3) the work being done to establish safety standards for high-speed ground transportation as a result of the enactment of section 7 of the Rail Safety Improvement Act of 1988; (4) the need to establish appropriate technological, quality, and environmental standards for high-speed ground transportation systems; (5) the significant unresolved technical issues surrounding the design, engineering, construction, and operation of high-speed ground transportation systems, including the potential for the use of existing rights-of-way; (6) the effects on air quality, energy consumption, noise, land use, health, and safety as a result of the decreases in traffic volume on other modes of transportation that are expected to result from the full-scale development of high-speed ground transportation systems; and (7) other technical assessments the Secretary deems important for carrying out the study.

This technical assessment uses the Department's expertise in dealing with a number of technological and inter-disciplinary issues. For example, as the Department responsible for issuing regulations with respect to all aspects of transportation safety (including high-speed railroads, as provided in the Rail Safety Improvement Act of 1988), the Department is in an ideal position to fully analyze and assess the progress of efforts to ensure and enhance high-speed ground safety.

The third prong of the study requires the Secretary to make recommendations for model legislation for State and local governments to facilitate construction of high-speed ground transportation systems. The conferees recognize the critical role of State and local governments in the development of high-speed ground transportation. States and local governments currently are on the cutting edge of exploring innovative and diverse mechanisms to encourage high-speed ground transportation systems. The conferees believe that States and local governments will continue to lead the way toward actual implementation of high-speed ground transportation systems but that model legislation could help to encourage and coordinate such efforts.

Finally, within 12 months after the submission of the study described above, this act requires the Secretary to establish the National High-Speed Ground Transportation Policy. The Policy is to include: (1) provisions to promote the design, construction and operation of high-speed ground transportation systems in the United States; (2) a determination regarding whether the various high-speed ground transportation technologies can be integrated effectively into a national network and, if not, whether one or more technologies should receive Federal government encouragement in order to enable a national network; (3) a strategy for prioritizing markets and corridors for high-speed ground transportation construction; and (4) provisions designed to promote American competitiveness in the market for high-speed ground transportation technologies. The Secretary is required to solicit public comments and may consult with other federal agencies as appropriate in developing the Policy.

The conference agreement also amends section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, to provide projects designed to acquire, rehabilitate, improve, develop, or establish high-speed ground transportation facilities or equipment will also be eligible for consideration by the Secretary under section 511. Currently, under section 511, the Secretary is authorized to guarantee the payment of obligations that are used to acquire or to rehabilitate and improve railroad facilities and equipment, or to develop or establish new railroad facilities. The amendment would not alter the terms of the current section 511 program (or applicable regulations issued thereunder; see, 49 CFR Part 260), which includes provisions limiting the rate of interest which may be applicable to an obligation, a requirement that the obligation be adequately secured, a requirement that the terms of the obligation not extend beyond 25 years, a requirement that the financing be justified by the present or probable future demand for rail services, a requirement that the equipment and facilities be economically utilized, a requirement that the prospective earning power of the applicant be sufficient to provide the Federal government with reasonable security and protection, limitations on making discretionary dividend payments, a requirement that the applicant not use funds or assets of the operation for nonrail purposes, authority of the Secretary to assess and collect certain fees from the applicant, and the authority of the Comptroller General to audit operations of the fund established under section 511.

Finally, the bill requires the Comptroller General, within two years after the date of enactment, and annually thereafter, to analyze the effectiveness of application of section 511 of the Railroad Revitalization and Regulatory Reform Act to high-speed ground transportation facilities and equipment, and to report the results of such analysis to the conferees of jurisdiction.

ACCESS TO RIGHTS OF WAY

House bill

No comparable provision.

Senate amendment

This section amends subsection 142(g) of Title 23, United States Code, to require the Secretary to authorize a State to make Federal-aid highway right-of-way available with or without charge to a publicly or privately-owned authority or company for passenger or commuter rail (including high-speed rail), magnetic levitation systems, and other mass transit facilities.

Section 156 of title 23 is also amended to expand the exclusions to the application of section 156 to include governmental use, use by public or private entities for passenger or commuter rail (including high speed rail), magnetic levitation systems, mass transit facilities, and utility use and occupancy necessary for a transportation improvement allowed under this section, in addition to the current exclusions for utility use and occupancy and use for transportation projects eligible for assistance under title 23 U.S.C.

Section 142 is further amended by the deletion of several related subsections; (a)(2), (c), (e)(2), (i), and (k), which, in effect, become redundant because their subject matter is provided in section 106 of this bill which adds Section 133 to title 23 U.S.C.

Conference substitute

The conference substitute contains the Senate amendment.

REIMBURSEMENT

House bill

No comparable provision.

Senate amendment

The Senate amendment provides for an update of the findings of the report required by section 114 of the Federal-Aid Highway Act of 1956 to determine what amount the United States would pay to the States to reimburse the States for segments incorporated into the Interstate System that were constructed at non-Federal expense.

Conference substitute

The conference substitute provides that, during the fifth and sixth year of the bill, the reimbursement program will be implemented.

PROGRAM EFFICIENCIES

House bill

No comparable provision.

Senate amendment

The Senate amendment amends sections 102, 109, and 302 of title 23 U.S.C.

23 U.S.C. 102(a) provides that all Surface Transportation Program projects must be designed, constructed, operated, and maintained in compliance with applicable state and federal requirements. The design and construction standards adopted by states for projects on principal arterials shall be AASHTO standards. Any state may request that the Secretary no longer undertake project-by-project review of design and construction standards for any project, except those on an Interstate highway or a multi-lane limited access control highway. After receiving such a request, the Secretary can only undertake project design and construction review as requested by the State.

23 U.S.C. 102(b) allows a state highway department to approve the design of any pavement rehabilitation or highway resurfacing project. Once the state highway department has approved the design of such a project, the secretary's approval of the design is not required.

23 U.S.C. 102(c) provides that a state highway department may establish its own standards for routine maintenance of projects constructed under title 23. Those standards will be subject to annual review and approval by the Secretary. If a state is meeting its own standards for routine maintenance, as approved by the Secretary,

the Secretary may not withhold project approval pursuant to section 106.

23 U.S.C. 102(d) provides that a state may establish the occupancy requirements of vehicles travelling in HOV lanes, except that no fewer than two occupants may be required. Motorcycles and bicycles are not single occupant vehicles for purposes of title 23, and nothing in this section alters the requirement that each state allow the operation of motorcycles in HOV lanes unless the state certifies that such operation would create a safety hazard.

23 U.S.C. 102(e) provides that a state must repay all federal funds for preliminary engineering for any project that has not advanced to construction or acquisition of right-of-way within 10 years after receipt of the federal funds. Current law requires a state to repay federal funds received for preliminary engineering if a project has not advanced after a period of time. This subsection establishes a uniform period of time before such repayment is required.

23 U.S.C. 109 is amended to allow Interstate Substitute, Surface Transportation Program, and Bridge Rehabilitation projects which are located in areas of historic and scenic value to be designed to standards appropriate to preserve the historic and scenic value of the road. The standards in section 109 (a) and (b) may be modified to provide alternative standards to preserve these historic and scenic values as long as safety of the facility is maintained.

23 U.S.C. 302 is amended to authorize the Secretary, at the request of the Governor of any state, to permit the highway department of a city of over 1 million population within the state to perform the duties and responsibilities of the state highway department for projects undertaken within the city.

Conference substitute

Same as the Senate with respect to the provisions regarding HOV occupancy requirements and repayment of preliminary engineering funds. The Senate recedes with respect to highway maintenance standards. With respect to project approval and design and construction standards, the conferees agreed to the following: 23 U.S.C. 109 is amended to establish design and construction standards for the National Highway System (NHS) highway projects and non-NHS highway projects. The design and construction standards for NHS projects are those approved by the Secretary in cooperation with the state highway agencies. For non-NHS projects, the design and construction standards are established in accordance with State laws, regulations, or directives, based on state-of-the-art practices.

23 U.S.C. 106 is amended to allow a State highway agency to request that the Secretary no longer review plans, specifications, and estimates for any project other than an NHS project or an NHS project with an estimated construction cost of $1 million or less.

23 U.S.C. 106 is further amended to allow a state highway agency to approve, on a project-by-project basis, the plans, specifications, and estimates for any pavement resurfacing, rehabilitation, or restoration project on the NHS. Further, this subsection allows states to meet or exceed standards for eligible work.

23 U.S.C. 106 is further amended to allow safety considerations to be met by phase construction consistent with the Safety Management System developed under section 303.

Subsection delegating duties and responsibilities of the state highway department to the highway department of a city of over 1 million population is deleted.

New subsection is added to state that nothing in this section shall affect or discharge any responsibility or obligation of the secretary under any federal law, including the National Environmental Policy Act of 1969, section 303 of title 49, title VI of the Civil Rights Act of 1964, title VIII of the Act of April 11, 1968, and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

SECTION 204—GRANTS TO STATES WHICH ADOPT NATIONAL SAFETY BELT AND MOTORCYCLE HELMET USE REQUIREMENTS

House bill

Authorize the Secretary to make grants to a State which has laws which make unlawful both the operation of a motorcycle by an individual who is not wearing a motorcycle helmet and the operation of a passenger vehicle whenever an individual in the front seat (other than a child secured in a child restraint system) is not wearing a seatbelt.

Requires a State to use grants to adopt and implement traffic safety programs in vehicle safety and education, law enforcement training, monitoring of compliance, and enforcement of laws.

Requires a State, as a condition of receiving grants, to maintain their aggregate expenditures for such traffic safety programs at or above their average level in the preceding two fiscal years.

Prohibits any State from receiving a grant in more than 3 fiscal years. Stipulates that federal grants shall be a maximum of 75 percent of a State's cost of implementing such traffic safety programs in the first fiscal year, a maximum of 50 percent in the second year, and a maximum of 25 percent in the third fiscal year.

Limits aggregate amount of grants to a State under this section to 90 percent of such State's apportionment for fiscal year 1990 under section 402 of this title.

Requires as a general condition for receiving grants in any fiscal year that a State enter into an agreement with the Secretary to implement a traffic safety program. Additionally requires for a State to receive a grant in a fiscal year succeeding the first fiscal year it receives a grant that it have a law requiring seatbelt use and achieve a rate of compliance with such law of not less than 70 percent and have a law requiring motorcycle helmet use and achieve a rate of compliance with such law of not less than 65 percent. Additionally requires for a State to receive a grant in a fiscal year succeeding the second fiscal year that it receives a grant that it have a law requiring seatbelt use and achieve a rate of compliance with such law of not less than 80 percent and have a law requiring motorcycle helmet use and achieve a rate of compliance with such law of not less than 80 percent.

Provides that each State shall measure compliance using methods which conform to guidelines issued by the Secretary.

Stipulates that if a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times in fiscal year 1994 the Secretary shall transfer 1½ percent of funds apportioned to the State under each of the subsections (b)(1), (b)(2) and (b)(6) of Section 104 of this title to the apportionment of the State under Section 402 of this title. Stipulates that if at any time after September 30, 1994 a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year the Secretary shall transfer 3 percent of the funds apportioned to the states under each of the above subsections to the apportionment of the State under Section 402 of this title.

Defines terms.

Authorizes to be appropriated out of the Highway Trust Fund $40,000,000 for fiscal year 1992, $30,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.

Provides that certain provisions of chapter 1 of this title are applicable to the funds authorized to be appropriated under this Section and that funds authorized to be appropriated under this Section shall remain available until expended.

SECTION 122—USE OF SAFETY BELTS AND MOTORCYCLE HELMETS

Senate amendment

Authorizes the Secretary to make grants to a State which has laws which make unlawful both the operation of a motorcycle if any individual on the motorcycle is not wearing a motorcycle helmet and the operation of a passenger vehicle whenever an individual in the front seat (other than a child secured in a child restraint system) is not wearing a seatbelt.

Requires a State to use grants to adopt and implement traffic safety programs in vehicle safety and education, law enforcement training, monitoring of compliance, and enforcement of laws.

Requires a State, as a condition of receiving grants, to maintain their aggregate expenditures for such traffic safety programs at or above their average level of the preceding two fiscal years.

Prohibits any State from receiving a grant in more than 3 fiscal years. Stipulates that federal grants shall be a maximum of 75 percent of a State's cost of implementing such traffic safety programs in the first fiscal year, a maximum of 50 percent in the second year, and a maximum of 25 percent in the third fiscal year.

Limits aggregate amount of grants to a State under this section to 90 percent of such State's apportionment for fiscal year 1990 under Section 402 of this title.

Requires as a general condition for receiving grants in any fiscal year that a State enter into an agreement with the Secretary to implement a traffic safety program. Additionally requires for a State to receive a grant in a fiscal year succeeding the first fiscal year it receives a grant that it have a law requiring seatbelt use and achieve a rate of compliance with such law of not less than 50 percent and have a law requiring motorcycle helmet use and achieve a rate of compliance with such law of not less than 75 percent. Additionally requires for a State to receive a grant in a fiscal year succeeding the second fiscal year that it receives a grant that it have a law requiring seatbelt use and achieve a rate of compliance with such law of not less than 70 percent and have a law requiring motorcycle helmet use and achieve a rate of compliance with such law of not less than 85 percent.

Provides that each State shall measure compliance using methods which conform to guidelines issued by the Secretary.

Stipulates that if a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times in fiscal year 1994 such State shall expend for highway safety programs 1½ percent of funds apportioned to the State under subsection (b)(1) of Section 104 of this title. Stipulates that if at any time after September 30, 1994 a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year such State shall expend for highway safety programs 3 percent of funds apportioned to the State under subsection (b)(1) of Section 104 of this title. Provides that States required to expend funds for highway safety programs spend such funds for purposes eligible under Sections 402, 152 (except repavement) and section 130. Stipulates that the federal share for such projects shall be 100 percent. Stipulates that funds required to be set aside under this subsection shall be available only in the year for which they were apportioned and shall thereafter lapse.

Defines terms.

Authorizes to be appropriated out of the Highway Trust Fund $45,000,000 for fiscal year 1992, $30,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.

Provides that certain provisions of chapter 1 of this title are applicable to the funds authorized to be appropriated under this Section and that funds authorized to be appropriated under this Section shall remain available until expended.

Requires the Secretary to conduct a study of the cost and severity of injuries of restrained and unrestrained individuals injured in motor vehicle crashes and of helmeted and non-helmeted motorcyclists injured in motorcycle crashes. Authorizes to be appropriated out of the Highway Trust Fund $5 million for such study. Requires the Secretary to report the results of such study within 40 months after the date of enactment of this Act.

Requires the Secretary to issue regulations to carry out this Section within 180 days of the date of enactment of this Act.

Conference agreement

The conference agreement generally follows the Senate Bill. The agreement adopts the House language on the purposes for which redirected funds may be spent by the States, and adopts the House language on definitions.

House bill

No provision.

Senate bill

Section 123 allows States to use as a credit toward meeting non-Federal match requirements non-Federal capital expenditures on toll facilities that are an integral part of the interstate commerce network.

In receiving such a credit, a State would have to maintain its aggregate transportation capital spending, excluding Interstate and discretionary funding, at or above the average level of such spending for the preceding three fiscal years, as required by the Secretary.

Under this section, an agency from which the credit is generated would not be subject to any additional Federal oversight or regulation, above and beyond any that otherwise exist.

Conference substitute

Same as Senate bill.

The conferees do not intend that these credits would result in a small reduction in non-Federal transportation spending by a State receiving the credit.

ACQUISITION OF RIGHTS OF WAY

House bill

No comparable provision.

Senate amendment

Summary

This section amends 23 U.S.C. 108 makes three changes to current law. First, the period within which construction must be commenced on a right-of-way funded from the right-of-way revolving fund is increasing from 10 years to 20 years.

Second, costs incurred by a State to acquire rights-of-way in advance of Federal approval or authorization and costs incurred to acquire land necessary to preserve environmental and scenic values may be reimbursed with Federal funds if certain conditions are satisfied.

Third, to conform section 108 of title 23 with the other title 23 changes being made by this legislation, this section eliminates the requirement that right-of-way revolving fund advances be for projects "on the Federal-aid system" and authorizes the use of the fund for projects such as passenger rail facilities, magnetic levitation systems, transportation corridor preservation, and long-term transportation planning.

Discussion

This amendment will allow states that have rigorous planning and environmental impact analysis requirements to purchase rights-of-way prior to obtaining Federal approval or authorization and to use Federal funds to reimburse the costs of early acquisition if certain conditions are satisfied. As a result, States will be better able to identify and preserve corridors with the express intent of protecting environmental sensitive areas.

To take advantage of the authority provided in this section, the state must satisfy a number of conditions, including demonstrating to the Secretary that: (1) the state has considered the environmental impacts of the acquisition and various alternatives; (2) the early acquisition did not influence the environmental assessment of the underlying project, the decision to proceed with this project, or the selection of the project design or location; (3) the state has a mandatory comprehensive and coordinated land use, environment, and transportation planning process under state law; (4) the acquisition is certified by the Governor as being consistent with the state planning process; and (5) prior to approval of the use of Federal funds to reimburse the costs of early acquisition, all applicable Federal environmental laws have been complied with, including but not limited to the National Environmental Policy Act, section 4(f) of the Department of Transportation Act, and section 7 of the Endangered Species Act. The directive that the Secretary identify the applicable environmental laws in regulations does not authorize the Secretary to waive or otherwise modify the requirements of any environmental law and failure of the Secretary to identify a law shall not affect the substantive or procedural requirements of the law.

Conference substitute

The conference substitute includes the Senate provision with a study added by the House and technical language amendments.

House bill

No similar provision.

Senate amendment

TRANSPORTATION IN PARKLANDS

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, shall submit to the Congress a study of alternative transportation modes for use in the National Park System. Such study shall consider the economic and technical feasibility, environmental effects, projected costs and benefits as compared to the costs and benefits of existing transportation systems, and the general suitability of transportation modes that would provide efficient and environmentally sound ingress to and egress from National Park lands. The study shall also consider methods to obtain private capital for the construction of such transportation modes and related infrastructure.

(b) Authorization of Appropriations.—From within the sums authorized to be appropriated for subsection 202(d) of title 23, United States Code, $300,000 shall be made available to carry out this section.

Conference substitute

SEC. 125. TRANSPORTATION IN PARKLANDS

(a) IN GENERAL.—Not later than twelve months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, shall submit to the Congress a study of alternative transportation modes for use in the National Park system that is consistent with the findings and purposes of Section 301 of Public Law 95-344. Such study shall consider the economic and technical feasibility, environmental effects, projected costs and benefits as compared to the costs and benefits of existing transportation systems, and the general suitability of transportation modes that would provide efficient and environmentally sound ingress to and egress from National Park System lands. Such study shall also consider methods to obtain private capital for the construction of such transportation modes and related infrastructure.

(b) (same as Senate language, except amount authorized and appropriated is $240,000)

TRAFFIC CONTROL STANDARDS

House bill

No comparable provision.

Senate amendment

The Senate amendment directs the Secretary to revise the Manual of Uniform Traffic Control Devices to include a standard minimum maintenance level of retroreflectivity for pavement markings and signs and to define the roads that must have a center line or edge line or both. The functional classification of roads, traffic volumes, and the number and width of the lanes are to be considered in making this standard.

Conference substitute

House recedes.

RIGHT OF WAY REVOLVING FUND

House bill

No comparable provision.

Senate amendment

Summary

Section 128 amends Section 108, title 23 U.S.C. by expanding projects eligible for right-of-way revolving fund advances to passenger rail facilities.

Discussion

The right-of-way revolving fund was established by the Federal-Aid Highway Act of 1956 to facilitate the acquisition of rights-of-way in anticipation of construction on the federal-aid highway system. This change was made to make this program consistent with the intermodal philosophy of this bill and to encourage corridor preservation and long-term transportation planning.

Conference substitute

The conference substitute recedes to the House.

RECODIFICATION

House bill

No comparable provision.

Senate amendment

The Senate amendment requires the Secretary to prepare and submit a recodification of title 23, United States Code, to Congress for consideration by October 1, 1993.

Conference substitute

The conference substitute requires the Secretary to prepare and submit a proposed recodification of title 23, United States Code, to Congress for consideration by October 1, 1991.

INDIAN ROAD SEALING

House bill

No comparable provision.

Senate amendment

The Senate amendment amends title 23, United States Code, to establish that the Bureau of Indian Affairs of the Department of the Interior shall be allowed to use Highway Trust Funds for the purpose of the sealing of Indian reservation roads under their jurisdiction.

Conference substitute

The managers have included language authorizing the use of Highway Trust Funds for road sealing projects on Indian reservations but want to make quite clear that these funds are entirely distinguishable from road maintenance funds historically requested in the Bureau of Indian Affairs annual budget. In light of the significant underfunding of Indian reservation roads, the extremely poor conditions of said roads and the need to have an acceptable infrastructure for our Native American communities, it is the Committee's intent that HTF funds are authorized in addition to—and not in lieu of—the BIA's road maintenance program. Pursuant to the provisions of Title 23, Section 116 and 204, and pursuant to the Memorandum of Agreement between BIA and FHWA signed on May 24, 1983, the BIA is clearly responsible for maintaining roads built with Highway Trust Fund dollars. The managers expect the BIA to request funding in FY 1993 that is at least consistent with the level requested and appropriated in FY 1992.

HIGHWAY CONSTRUCTION TRAINING

House bill

No comparable provision.

Senate amendment

The Senate amendment allows one-fourth of 1 percent of funds apportioned to a State for the Surface Transportation Program or Bridge Program may be available for highway construction training.

Conference substitute

House recedes to Senate amendment.

EROSION CONTROL

House bill

No provision.

Senate bill

Section 140B directs the Secretary to develop erosion control guidelines for States to follow in carrying out projects under this Act.

Conference substitute

Same as Senate bill.

INTERNATIONAL TRANSPORTATION OUTREACH

House bill

The House amendment authorizes the Department of Transportation to conduct a program to share technological innovations developed abroad with the U.S. highway community and to increase transfers of U.S. highway transportation technology to foreign countries. Chapter 3 of title 23, United States Code, is amended.

Senate amendment

The Senate amendment authorizes the Department of Transportation to conduct a program to share technological innovations developed abroad with the U.S. highway community and to increase transfers of U.S. highway transportation technology to foreign countries.

Conference substitute

The Conference Substitute includes the Senate provision with the House amendment to Chapter 3 of title 23, United States Code.

EDUCATION AND TRAINING PROGRAM

House bill

The House bill authorizes the Secretary of Transportation to make grants and enter into contracts for a transportation assistance program to provide access to modern highway technology for urbanized areas with populations of 50,000 to 1,000,000 and rural areas. Technical assistance program centers are established to provide usable technology and information to rural and urban transportation agencies to expand their expertise in road and transportation areas.

The Secretary of Transportation is authorized to conduct and report to Congress on the results of a study to determine the appropriate symbol for highway signs to commemorate the Interstate system as the Dwight D. Eisenhower National System of Interstate and Defense Highways.

Senate bill

The Senate amendment contains a provision authorizing the Secretary to make grants and enter into contracts for a transportation assistance programs to provide access to modern highway technology to urbanized areas with populations of 50,000 to 1,000,000 and rural areas. Technical assistance program centers are established to provide usable technology and information to rural and urban transportation agencies to expand their expertise in road and transportation areas.

The Secretary shall establish and administer the Dwight David Eisenhower Transportation Fellowship Program to attract qualified students to the field of transportation engineering and research. No less than $2,000,000 per fiscal year is provided for the fellowship program.

Conference substitute

The conference substitute contains a provision authorizing such sums as may be necessary for the Secretary to make grants and enter into direct contacts for a transportation assistance program to provide access to modern highway technology to urbanized areas with populations of 50,000 to 1,000,000 and rural areas. Technical assistance program centers are established to provide usable technology and information to rural and urban transportation agencies to expand their expertise in road and transportation areas.

The Secretary shall establish and administer the Dwight David Eisenhower Transportation Fellowship Program to attract qualified students to the field of transportation and engineering and research. No less than $2,000,000 per fiscal year is provided for this program. Development of new and efficient combinations of transportation infrastructure requires that the nation's brightest minds be attracted to the transportation and engineering and research professions. The Dwight David Eisenhower Transportation Fellowship Program is designed to accomplish this objective.

The conferees recognize that the fellowship program will be most successful if it serves to attract critical masses of students and professors to evolve into centers of excellence. Therefore, the conferees intend that the program shall be limited to no more than fifty universities, to be selected by the Secretary on the basis of their academic reputation in the transportation engineering and research areas. The conferees intend that the fellowships should be awarded competitively, and be available only to students enrolled in work toward a graduate degree in transportation engineering or research, but exceptions can be made for students in the final year of undergraduate engineering degrees who can demonstrate that they intend to specialize in a transportation-related field following graduation.

The Secretary of Transportation is authorized to conduct and report to Congress on the results of a study to determine the appropriate symbol for highway signs to commemorate the Interstate system as the Dwight D. Eisenhower National System of Interstate and Defense Highways.

NATIONAL HIGHWAY INSTITUTE

House bill

The House bill establishes a National Highway Institute within the Federal Highway Administration to provide technical training programs for federal, State and local employees, U.S. citizens, and foreign nationals engaged in highway work. Up to one-fourth of one percent of all funds apportioned to a State for the Federal-aid primary system funds are available to the State highway department for payment of up to 80 percent of the cost of tuition and direct expenses.

Senate amendment

The Senate amendment establishes a National Highway Institute within the Federal Highway Administration to provide technical training programs for federal, State and local employees, U.S. citizens, and foreign nationals engaged in highway work. Up to one-fourth of one percent of all Surface Transportation Program funds apportioned to a State are available to the State highway department for payment of up to 75 percent of the cost of tuition and direct educational expenses.

Conference substitute

The House recedes with modification of subsection (b) to reflect the 80% federal share provided in the House bill and with modification that any fees collected by the National Highway Institute be placed in a special account for recovering costs for the purpose of this section.

ZEBRA MUSSELS

House bill

No comparable provision.

Senate amendment

Establishes a study and program for the use of Zebra Mussels as an infrastructure building material.

Conference substitute

Senate recedes to the House.

INFRASTRUCTURE INVESTMENT COMMISSION

House bill

No comparable provision.

Senate amendment

The Senate amendment establishes the Commission to Promote Investment in America's Infrastructure, to be composed of seven members: two each to be appointed by the Majority Leader of the Senate and the Speaker of the House of Representatives; respectively; and one each to be appointed by the Minority Leaders of the Senate, the Minority Leader of the House of Representatives, and the President of the United States, respectively. Members of the Commission are to have appropriate backgrounds in finance, construction, lending, actuarial disciplines, pensions, and infrastructure policy.

The Commission will conduct a study of the feasibility and desirability of creating a type of infrastructure security which would permit the investment of pension funds in funds used to design, plan, and construct infrastructures in the United States. The Commission can include recommendations for private sector or other innovative public policy alternatives to encourage infrastructure investments at all levels of government. The Commission will report to Congress on its findings and recommendations within 180 days of enactment of this Act.

This section provides for reimbursing Commission members for expenses and for a staff to assist the Director is he so chooses. Such sums as may be necessary are authorized to carry out this section.

Conference substitute

The conference accepts the Senate substitute.

REGULATORY INTERPRETATION

House bill

No comparable provision.

Senate amendment

The Senate amendment establishes that steel coating is covered by the federal regulations interpreting Buy America legislation.

Conference substitute

Same as Senate amendment.

CLEAR GASOLINE REQUIREMENT

House bill

No comparable provision.

Senate amendment

The Senate amendment imposes a clear gasoline requirement on refiners pursuant to the Clean Air Act.

Conference substitute

The Senate recedes to the House.

NATIONAL DEFENSE HIGHWAYS

House bill

No comparable provision.

Senate amendment

The Senate amendment declares that upon certification by the Secretary, after consultation with the Secretary of Defense, a highway or portion of highway located outside the territory of the United States is important to the national defense, up to $20,000,000 shall be made available for reconstruction of an eligible highway from the Interstate Construction Program funds.

Conference substitute

House recedes to Senate amendment.

ALLOCATION FORMULA STUDY

House bill

No comparable provision.

Senate amendment

The Senate amendment authorizes a study to be conducted to determine a fair and equitable apportionment formula for the allocation of Federal-aid highway funds.

Conference substitute

The conference substitute contains the allocation formula study.

STORMWATER PERMITS

House bill

No comparable provision.

Senate amendment

Section 140L of the Senate Amendment extends certain application deadlines for and enforcement of the stormwater permitting requirements of Section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) for industrial activities owned or operated by municipalities with a population of under 250,000.

Conference substitute

The conference substitute extends individual and group permit application deadlines for stormwater discharges associated with industrial activities from municipally owned or operated facilities. Individual permit applications must be submitted no later than October 1, 1992, except that where a timely group permit application is denied the applicant would be entitled an additional six months from the date of the denial to submit an individual application. Group application deadline are extended until September 30, 1991 for Part I and October 1, 1992 for Part II except that for municipalities of under 250,000 an additional period of time is provided. No stormwater discharge permits for industrial activities for municipalities of under 100,000 are required prior to October 1, 1992 except stormwater discharges from municipally owned or operated power plants, airports, and certain landfills. The conference substitute also requires that general permit regulations for stormwater discharge permits be promulgated no later than February 1, 1992. The conference substitute is not intended to prejudice or in any manner affect any ongoing litigation, including Natural Resources Defense Council v. U.S. Environmental Protection Agency, Case Nos. 90-70671 and 91-70200 (9th Cir., 1990).

INVESTIGATION AND REPORT

House bill

No comparable provision.

Senate amendment

The Senate amendment provides for a study on the feasibility of requiring that trucks be restricted from using the left lanes of Interstate highways.

Conference substitute

The Senate recedes to the House.

USE OF OXYGENATED FUELS

House bill

No comparable provision.

Senate amendment

The Senate amendment requires the Secretary, in consultation with the EPA Administrator to submit to Congress a report on the feasibility and effectiveness of requiring all cities and metropolitan statistical areas with a population of 250,000 or more the use of oxygenated fuels (with a percentage of 2.7 or greater).

Conference substitute

Senate recedes to House.

YOUTH JOBS PROGRAMS

House bill

No comparable provision.

Senate amendment

The Senate amendment establishes a youth program in conjunction with highway landscaping and beautification activities and allows States to use up to 0.2 percent of their funds for this purpose.

Conference substitute

The Senate recedes to the House.

INTERSTATE STUDY COMMISSION

House bill

No comparable provision.

Senate amendment

Interstate Transportation Agreements and Compacts. States have Congressional approval to enter into and carry out agreements or compacts to address interstate highway and bridge problems of regional significance identified by metropolitan planning organizations.

Conference substitute

The conference substitute establishes the Interstate Study Commission for Transportation for the National Capital Region to make recommendations on funding and management of the transportation system of the region. The Commission will evaluate existing mechanisms and processes by which transportation decisions are made within the region and make recommendations to provide a coordinated regional approach and process for funding and implementing transportation improvements, primarily focusing on interstate highway and bridge systems. The conferees intend that the recommendations developed by the commission will be consistent with the planning requirements for metropolitan areas, and the recommendations will be made to Congress, the Department of Transportation, the governors of Maryland and Virginia, the mayor of the District of Columbia and the National Capital Region Transportation Planning Board.

MONTANA-CANADA TRADE

House bill

Identical provision.

Senate amendment

The Senate amendment states that the Secretary may not withhold funds from the State of Montana on the basis of actions taken by Montana pursuant to a draft memorandum with the Province of Alberta, Canada, regarding truck transportation between Canada and Shelby, Montana.

Conference substitute

The Conference Substitute contains the Senate amendment.

LEVEL OF EFFORT

House bill

No comparable provision.

Senate amendment

Provides additional funding to states who have a lower than average per capita discretionary spending and higher than average gasoline tax.

Conference substitute

Senate recedes to House.

The conference agreement includes a study to measure a state's total level of effort with regard to state highway expenditures. Three months after the date of enactment, the Secretary and the newly formed DOT Bureau of Statistics are directed to conduct a study of state level of effort. Not later than nine months, the Secretary is to provide such report to the Senate Environment and Public Works Committee and the House Committee on Public Works.

The Secretary is directed to use data reflecting state and local revenue support for highways. This data shall include: income fuel taxes, toll revenues including bridge tolls and highway tolls, sales taxes (if used by a state on highway expenditures), general fund revenues used for highways, property taxes used for highways, bonds, administrative fees such as vehicle registration and driver license fees collected that may be expended by a state for highway expenses, taxes on commercial vehicles and other appropriate state and local revenue sources.

There was much discussion on the Senate floor with regard to how best to measure a state's total level of effort. The conferees direct the Secretary to conduct a comprehensive study that will compare a state's total level of effort comparing revenues raised and expended for highway purposes with per capita income.

NATIONAL POLICY FOR INFRASTRUCTURE REUSE

House bill

No comparable provision.

Senate amendment

The Senate amendment amends Sec. 307 of title 23 of the United States Code by adding a section at the end that requires within 12 months of the date of enactment of this Act, that the Secretary conduct a study of methods to facilitate the reuse of industrial manufacturing facilities. The Secretary shall consult with other government officials to ascertain regulatory, technical, and other barriers or constraints associated with reusing industrial manufacturing facilities. The Secretary shall report the results of the study to Congress upon its completion. $200,000 is authorized to be taken from administration and research funds in Sec. 104 to conduct the study.

Conference substitute

The conference accepts the Senate substitute.

NONNAVIGABILITY DECLARATION

House bill

No comparable provision.

Senate amendment

The Senate amendment establishes a nonnavigable status for a portion of the Hudson River adjacent to a bulkhead line.

Conference substitute

The House recedes to the Senate.

SENSE OF SENATE (LEVEL OF EFFORT)

House bill

No comparable provision.

Senate amendment

The Senate amendment directs committee conferees to determine each State's total apportionments in a way that reflects each State's total effort for highways including each State's ability to finance its total effort for highways, as measured by its per capita disposable income as compared to the average State per capita disposable income, as well as taking into account the effect of such apportionment formula on energy conservation, energy security, and environmental quality.

Conference substitute

Senate recedes to House.

MILLER HIGHWAY

House bill

No comparable provision.

Senate amendment

No comparable provision.

Conference substitute

The conferees have authorized $14.5 million to undertake engineering and environmental studies and begin to realign Miller Highway inland, between 59th and 72nd Streets, to promote the development of a major public-private works project which will include the creation of a 23-acre public waterfront park to be built with private funds. This authorization shall not be construed to interrupt or interfere with the current rehabilitation of the Miller Highway on its present alignment, which is urgently needed to ensure public safety. Moreover, this project shall be deemed separate and independent from the Route 9A project between the Battery and 59th Street, which has independent utility and logical termini and should be advanced *under* [at] its own *independent engineering and environmental process and* rapid schedule.

REVISION OF MANUAL

House bill

Section 121(m) requires the Secretary to revise the Manual of Uniform Traffic Control Devices and other Federal Highway Administration regulations as may be necessary to permit states and local governments to install stop or yield signs at any rail-highway grade crossing without automatic traffic crossing devices with 2 or more trains operating across such rail-highway crossing.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference Substitute adopts the House provision.

ROADSIDE BARRIERS AND SAFETY APPURTENANCES

House bill

Section 121(c) of the House bill requires the Secretary to initiate a rulemaking proceeding to revise the guidelines and establish standards for installation of roadside barriers and other safety appurtenances. This rulemaking shall reflect criteria related to approval standards contained in the National Cooperative Highway Research Program Report 230 which provide a level of crashworthy performance to accommodate vans, mini-vans, pickup trucks and 4-wheel drive vehicles, along with all other vehicles.

The Secretary shall issue the final rule no later than one year after the date of enactment of this Act regarding the implementation of such guidelines and standards.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference substitute adopts the House provision.

TITLE II—HIGHWAY SAFETY

PART A—HIGHWAY SAFETY GRANT PROGRAMS

SECTION 2000—SHORT TITLE

House bill

No provision.

Senate amendment

No provision.

Conference substitute

The short title of this part is the "Highway Safety Act of 1991".

SECTION 2001—HIGHWAY SAFETY PROGRAMS

House bill

The House bill, in section 2001, amends Section 402 to provide for mandatory and optional programs for Section 402 grants. To qualify for a 402 grant, each state would be required to establish programs on drunk driving; speeding; occupant protection; emergency medical services; motorcycle safety; uniform data collection and reporting; accident location; highway design; construction and maintenance; traffic engineering services. Programs on bicycle, pedestrian, school bus safety, police traffic services, and traffic record systems, would be left to the discretion of the states.

Senate amendment

The Senate bill contains no comparable provisions.

Conference substitute

The substitute adopts the Senate version which, in effect, maintains existing law, but requires that the programs listed as mandatory programs under the House bill be listed as priority items within the guidelines promulgated by the Secretary. If the Secretary does not prioritize the programs, the Secretary is required to submit a report to the Congress describing why there is no need for the prioritization of the programs.

The agreement also provides that the Secretary is to establish a program to provide for a national uniform data collection and reporting system of traffic-related deaths and injuries. The purposes of this program are to allow the Secretary to determine the causes of such deaths and injuries, to develop programs to reduce such deaths and injuries, and to make recommendations to Congress concerning legislation necessary to implement such programs. The program shall include information obtained by the Secretary under section 404 of the Act and provide for annual reports to the Secretary on the efforts being made by the states in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of these efforts. In addition, the Secretary is required to establish minimum reporting criteria to obtain certain accident information necessary to improve analysis at the state and federal levels. Such criteria shall include criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites, on the configuration of commercial motor vehicles involved in motor vehicle accidents, and any other data elements essential for analysis of highway safety issues the Secretary shall develop through the Critical Automated Data Reporting Elements for Highway Safety Analysis (CADRE).

SECTION 2002—HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

House bill

The House bill, in section 202, amends current law to authorize research into all aspects of highway safety and traffic conditions, including the relationship between the use of drugs and its effect on highway safety and driver performance. The bill provides that funds appropriated for Section 403 of 23 U.S. Code be used for training and education of highway safety personnel; research fellowships in highway safety; accident investigation procedures; emergency service plans; demonstration projects; and any other related activities the Secretary believes will promote highway safety. The bill also authorizes the Secretary to undertake collaborative research and development with non-federal entities, including state and local governments, universities, corporations and partnerships, on cost-shared basis.

Senate amendment

The Senate bill contains no comparable provisions.

Conference substitute

The conference substitute adopts the House provision.

SECTION 2003—ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES

House bill

The House bill, in Section 203, maintains the existing program under section 410 of title 23, but establishes new grant requirements for the program. The bill establishes basic and supplemental grant programs. To be eligible for a basic grant, a state would have to institute a program involving (1) highway sobriety checkpoints; (2) prompt license suspension of individuals operating vehicles under the influence of alcohol or drugs; (3) a requirement that any person with a blood alcohol concentration (BAC) equal to or greater than 0.10 percent for the first two years of the program, and 0.08

percent thereafter is deemed to be driving under the influence; and (4) mandatory minimum sentences for persons convicted of impaired driving. States that met the basic grant criteria would receive an amount equal to 80% of their allocation under Section 402 of Title 23.

Supplemental grants would be available for each of the following actions: (1) enhanced enforcement of "21 drinking age" laws; (2) the enactment of laws prohibiting the possession of open containers of alcohol in the passenger area of motor vehicles (excepting charter buses) while on the road; and (3) the suspension of car licenses and registrations, and the impoundment of vehicles of repeat offenders of impaired driving laws. States that met the supplemental grant criteria would be eligible for an amount equal to five percent of their 402 grant allocation.

The House bill also authorizes, from funds made available to carry out section 402 of Title 23, the use of $17 million for each of the fiscal years 1993–1997 to carry out this program.

Senate amendment

The Senate amendment, in Section 226, amends Chapter 4 of title 23, to establish a new and comprehensive drunk and impaired driving program. The new program would have a structure identical to that of the existing sections 408 and 410 programs, and would replace those programs when the terms of those programs expired. The program would make available to the states basic and supplemental grants for a maximum of five years. States that met certain basic criteria would receive a grant equal to 30 percent of their section 402 grant amount, which would be funded on a declining share basis—75% for the first year, 50% for the second year, and 25% for the third year.

The amendment provides that a state is eligible for a basic grant if it establishes requirements for (1) administrative revocation of drunk drivers' licenses; (2) sobriety checkpoints; (3) a 0.10 BAC standard for persons who are deemed to be driving while under the influence of alcohol, that would have to be reduced to 0.08 BAC after 3 years; (4) videotaping of drunk drivers; (5) mandatory minimum sentences for those convicted of impaired driving; and (6) a requirement that the program be planned to become self-supporting. The bill provides a waiver of any one of the basic grant criteria for any state which achieves a decrease in its alcohol-related fatalities by an average of three percent per calendar year for five consecutive years.

States that met the criteria for a basic grant would be eligible for supplemental grants for each of the following: (1) the adoption of a mandatory blood alcohol testing program for drivers in accidents involving fatalities or serious injuries; (2) providing for enhanced enforcement of "21 drinking age" laws; (3) the establishment of laws preventing drugged driving, including prompt license suspension, presumed driver consent to drug testing, mandatory minimum sentences for those convicted of drugged driving, and a system of detection of drugged drivers; (4) the establishment of a mandatory BAC intoxication level of 0.08 during the first three years of the grant; (5) making it unlawful to possess open containers of alcohol in the passenger area of motor vehicles (excepting charter buses) while on the road; or (6) and requiring the suspension of car license plates and registrations for repeat offenders of impaired driving laws. For each supplemental grant criteria that is met, a state would receive an amount equal to 10 percent of its section 402 allocation.

The Senate amendment also authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) in the following amounts to carry out this program: $25 million in FY 1992; and $50 million for each of the fiscal years 1993-1996.

Conference substitute

The Conference substitute, in large part, adopts the Senate provisions regarding the grant program. The agreement, however, deletes the waiver provision for the basic requirements, and provides that a state only has to meet five of the six requirements under the basic grant criteria of be eligible for a basic grant. In addition, videotaping of drunk drivers is now a supplemental grant criteria, and distinguishable license for those under 21 is a basic grant criteria.

SECTION 2004—AUTHORIZATION OF APPROPRIATIONS

House bill

The House bill, in Section 205(1), for programs under section 402 of Title 23 U.S. Code, provides for an authorization out of the Highway Trust Fund (other than the Mass Transit Account) of $121 million for FY92, $190 million for fiscal years 1993-1995, and $168 million for fiscal years 1996-1997.

The House bill, in section 205(2), authorizes an appropriation of $25 million for FY 1992, and $50 million each for FYs 1993 through 1997, for the program under Section 403 of Title 23, U.S. Code.

The bill also authorizes $14,000,000 for carrying out Section 410 of Title 23 U.S. Code for fiscal year 1992.

Senate amendment

The Senate amendment, in section 203(d), authorizes expenditures from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 402 of title 23 of the U.S. Code for FY 1992 through 1996. The amendment provides for an authorization of $126 million for FY 1992; $130,788,000 for FY 1993; $135,757,944 for FY 1994; $140,916,745 for FY 1995; and $146,271,587 for FY 1996.

The Senate amendment, in section 203(e), authorizes expenditures out of the Highway Trust Fund to carry out Section 403 of title 23, U.S. Code. The bill provides for an authorization of $45,869,000 for FYs 1992-1996.

The Senate amendment, in section 226(—), authorizes expenditures out of the Highway Trust Fund (other than the Mass Transit Account) for carrying out the impaired driving programs set out in that section as follows: $25,000,000 for FY 1991; and $50,000,000 for each of the fiscal years 1992-1995.

The Senate amendment, in Sections 226(a) and 226(b), authorizes appropriations for the National Highway Traffic Safety Administration to carry out its responsibilities under the National Traffic and Motor Vehicle Safety Act of 1966 as follows: FY 1992—$68,722,000; FY 1993—$71,333,436; FY 1994—$74,044,106. These amounts reflect the Administration's budget request for 1992 increased by the inflation factor recommended by the Congressional Budget Office for the remaining fiscal years. It also authorizes appropriations for the National Highway Traffic Safety Administration to carry out the Motor Vehicle Information and Cost Savings Act as follows: $6,485,000 for fiscal year 1992; $6,731,430 for FY 1993; and $6,987,224 for FY 1994.

Conference substitute

The Conference substitute provides new authorization levels for both Sections 402 and 403, and the Impaired Driving Enforcement program. For programs under Section 402, the agreement provides for an authorization of $126 million for FY92; $175 million for FYs 1993-1994; and $171 million for FYs 1995-1997. For programs under Section 403, the agreement provides for expenditures in the amount of $44,000,000 per year for FYs 1992-1997. For the Impaired Driving Enforcement program, the agreement provides for authorization of $25 million per year for FYs 1992-1997.

The Conference substitute adopts the Senate provisions with respect to expenditures for the National Highway Traffic Safety Administration's administration of the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and includes an authorization for FY 1995 for the latter two purposes.

SECTION 2005—DRUG RECOGNITION EXPERT TRAINING PROGRAM

House bill

The House bill, in section 206, provides for the establishment of a drug recognition expert training program. The purpose of the program is to train law enforcement officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol, a controlled substance, or other drug. The bill also establishes a citizens' advisory committee to monitor the progress of the implementation of the program. The advisory committee is to include one member from the organization Mothers Against Drunk Driving. The bill provides for an authorization of $5 million for FY92, and $6 million each for FYs 1993-1997, from the highway trust fund (other than the Mass Transit Account) to carry out the program.

Senate amendment

No comparable provision.

Conference substitute

The Conference substitute adopts the House provision, but reduces the funding to $4 million each for FYs 1992-1997. The agreement also provides that the citizens' advisory committee shall include a member of the American Bar Association, and a member of the American Medical Association.

SECTION 2006—NATIONAL DRIVER REGISTER ACT AUTHORIZATIONS

House bill

The House bill, in section 207, provides an authorization of $4 million each for FYs 1992-1994 for programs under the NDR Act.

Senate amendment

The Senate bill, in section 203, provides for a three year authorization to carry out programs under the National Driver Register Act. The bill authorizes expenditures in the amount of $6,131,000 for FY '92; $6,363,978 for FY '93; and $6,605,809 for FY '94.

Conference substitute

The Conference substitute adopts the House provision.

SECTION 2007—OBLIGATION CEILING FOR FISCAL YEAR 1992

House bill

Section 210 of the House bill established obligation ceilings for a number of highway safety programs.

Senate amendment

No provision.

Conference substitute

The conference substitute provides for the following obligation ceilings:

(1) Fiscal Year 1992—Sums authorized for sections 2004(1), 2004(3), and 2005(c) of this Act, and Section 211(b) of the National Driver Register Act of 1982 for Fiscal Year 1992, are subject to the obligation limitations of Section 102 of this Act.

(2) Fiscal Years 1993-1997—2003, 2004(1) and 2005 of this Act and Section 211(b) of the National Driver Register Act of 1982 should be reduced proportionally if an obligation ceiling is placed on the sums authorized to be appropriated to carry out Section 402 of Title 23, United States Code.

PART B—AUTHORIZATIONS AND GENERAL PROVISIONS

SECTION 2500—SHORT TITLE

House bill

No provision.

Senate amendment

The Senate bill in Section 201, provides the following short title: "National Highway Traffic Safety Administration Authorization Act of 1991".

Conference substitute

The Conference substitute adopts the Senate provision.

SECTION 2501—AUTHORIZATION OF APPROPRIATIONS

House bill

No provision.

Senate amendment

The Senate amendment, in Sections 226 (a) and (b), authorizes appropriations for the National Highway Traffic Safety Administration (NHTSA) to carry out its responsibilities under the National Traffic and Motor Vehicle Safety Act of 1966 as follows: $68,722,000 for FY 1992; $71,333,436 for FY 1993; $74,044,106 for FY 1994. These amounts reflect the Administration's budget request for FY 1992, increased by the inflation factor recommended by the Congressional Budget Office for the remaining fiscal years. The Senate amendment also authorizes appropriations for the National Highway Traffic Safety Administration to carry out the Motor Vehicle Information and Cost Savings Act as follows: $6,485,000 for FY 1992: $6,731,430 for FY 1993; and $6,987,224 for FY 1994.

Conference substitute

The Conference agreement adopts the Senate provisions, with modifications to include an additional authorization for FY 1995 of $76,857,782 for carrying out the National Traffic and Motor Vehicle Safety Act of 1996; and $7,252,739 for the Motor Vehicle Information and Cost Savings Act.

SECTION 2502—GENERAL PROVISIONS

House bill

No provision.

Senate Amendment

The Senate amendment, at Section 202, sets out definitions of terms used in the amendment, including definitions of passenger car and multipurpose passenger vehicles (MPVs). These definitions, according to NHTSA, are identical to those used in current NHTSA regulations.

Conference substitute

The Conference adopts the Senate definitions. The Conference agreement also sets out procedures to be used in carrying out the rulemakings required by the Conference agreements.

SECTION 2503—MATTERS BEFORE THE SECRETARY

House bill

No provision.

Senate amendment

The Senate requires the Secretary of Transportation to conduct rulemakings on a number of issues:

(1) Side impact standard: Section 205 of the Senate amendment requires the Secretary, within 18 months after enactment, to pro-

mulgate a final rule to extend FMVSS 214, to MPVs and other light trucks, such as minivans, sport utility vehicles and small trucks.

The Senate notes that approximately 8,000 Americans die each year in side impact crashes, and approximately 23,000 suffer serious, nonfatal injuries. After many years of work, NHTSA recently issued an upgraded side impact protection standard for passenger cars, to prevent injuries to the chest and pelvis in such crashes. At the same time, NHTSA indicated that it would continue its work to address head injury prevention in such crashes. MPVs and other light trucks are not currently required to meet the passenger car standard for protection of the chest and pelvis. This section of the Senate amendment would require that the passenger car standards be applied to MPVs and other light trucks.

This Section also would require that the Secretary complete a rulemaking, within a time certain, to consider methods of preventing head injury in side impact crashes.

(2) Protection against rollover: Section 210 of the Senate amendment requires rulemaking to prevent unreasonable risk of rollover in passenger cars, MPVs and other light trucks. The Senate notes that NHTSA's own research indicates that a significant percentage of accidents involving certain types of MPVs, other light trucks and passenger cars involve vehicle rollover. To date, no rule has been issued to deal with this problem. This section of the Senate amendment would require completion of the rulemaking within 12 months of enactment.

(3) Improved design for seatbelts: Section 224 of the Senate amendment requires a rulemaking, to be completed within 12 months of enactment, to consider whether to amend the current standard for seatbelt design to take into account the needs of children and shorter adults. The Senate notes that there is some evidence that current seatbelt design does not protect adequately such individuals, and that this situation could be remedied easily by minor design changes. The Senate notes that while NHTSA recently terminated a rulemaking on this issue, that analysis did not consider the affect on children of such an amendment to the standard. The rulemaking required by the Senate amendment would have to consider the safety of children.

(4) Safety child booster seats used in passenger cars and other motor vehicles: Section 213 of the Senate amendment requires a rulemaking proceeding, to be completed within 12 months of enactment, to increase the safety of child booster seats. Booster seats, used by toddlers and older children, are designed to elevate children so that they are in the proper position to use lap and shoulder belts. The Senate notes that a study conducted for NHTSA, "Evaluation of the Performance of Child Restraint Systems," indicates that some of these systems may not restrain adequately a child in a crash, and some may put pressure on the child's abdomen during a crash. The Senate amendment is a response to the concerns expressed in this study.

(5) Methods of reducing head injuries: Section 219 of the Senate amendment would require a completion of a rulemaking, within two years of enactment, to consider methods of reducing head inju-

ries caused by contact with the interior components of passenger automobiles, MPVs and other light trucks.

The Senate notes that each year a large number of Americans suffer head injuries in automobile crashes. Many of these victims are permanently disabled. The Senate notes that an airbag can reduce the number of head injuries resulting from frontal crashes. Even if all cars were equipped with airbags, however, head injuries will still occur from rollover, side impact, and other crashes. NHTSA's own research indicates that many of these head injuries could be prevented if additional padding were placed in the interior portions of the vehicles likely to come into contact with a crash victim's head.

Conference substitute

The conference substitute provides in lieu of the above mentioned provisions a process for conducting rulemakings in accordance with the National Traffic and Motor Safety Act of 1966. It also provides that any resulting standards be enforced in accordance with the 1966 statute. The process includes a procedure for initiating a rulemaking either as an Advanced Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) at the discretion of the Secretary of Transportation. It also provides for completion of the rulemakings consistent with the 1966 statute and the Administrative Procedure Act. Except as otherwise provided, completion could include promulgation of a final rule (with or without changes from the proposed rule), or deciding not to promulgate a rule through termination of the rulemaking process (which decision may include a deferral of a rule, or a decision to start all over at some future time). The Department cannot, however, terminate the rulemaking because it lacked time to complete the rule. Whatever action is taken it must be published in the Federal Register in accordance with the Administrative Procedure Act and the 1966 Act and must include the reasons for that action.

Section 2503 lists five priority matters for which the Secretary must initiate a rulemaking in accordance with these general procedures. They are as follows:

(1) Unreasonable risk of rollovers in passenger cars, MPVs and light trucks.

(2) Extension of passenger car side impact protection to MPVs and light trucks.

(3) Safety of child booster seats in passenger cars and other appropriate vehicles.

(4) Improved design for safety belts.

(5) Improved head impact protection.

With the exception of number five, the listing of these matters for initiating rulemaking decisions is not to be construed as a determination by Congress as to whether or not a rule shall be finalized or if it is finalized what it should contain. The objective of the conferees is to require that the Secretary give priority consideration to these matters without affecting other rulemakings or decisions pending at the Department.

For these five matters, the conferees expect the Secretary to initiate either an ANPRM or a NPRM by May 31, 1992. If the Secretary cannot begin any one of these by that date, he must give notice of the decision to initiate them and provide a date certain for the initiation of either an ANPRM or a new NPRM. Such date certain shall not extend beyond January 31, 1993. He must also explain the reasons for this delay. A decision to provide a new date for that decision will not be reviewable.

Once a rulemaking is initiated, the Secretary must complete the rulemaking within 26 months after initiation, in the case of an ANPRM, and within 18 months after initiation, in the case of an NPRM. However, with the exception of the head injury rulemaking, in the case of an ANPRM, the Secretary may decide not to proceed to an NPRM after issuing the ANPRM if, after consideration of the ANPRM and the comments thereon, he so decides and publishes this decision against continuation of the rulemaking process. He must do this in a manner consistent with the APA and the 1966 Act. The Secretary may in the case of an NPRM extend the 18 month period for an additional 6 months. That extension is not reviewable.

In the case of Section 2503(5) which provides for improved head injury protection regarding interior components of passenger cars (i.e., roofs, pillars, and front headers) there is a special rule. Under that special rule the Secretary must complete the rulemaking and issue a final rule within 24 months after the date of initiation of rulemaking by publication of the ANPRM or the NPRM. That publication must occur either by May 31, 1992 or, as indicated above, by January 31, 1993. If the Secretary determines that there is a need for delay and if the public comment period is closed, the Secretary may extend the date of completion by an additional six months and publish a notice thereof in the Federal Register. The conferees emphasize that in the case of this special provision a final rule is to be promulgated within the timeframe specified.

Thus, with exception of the head injury protection issue, the conferees do not predetermine the outcome of these rulemakings. The Secretary is free to conclude the rulemaking in any manner consistent with the APA and the 1966 Act. The conferees expect the Secretary to act on these matters in accordance with the time schedule provided.

The conferees expect NHTSA to move quickly on these matters and give preference to rollover protection, and to extension of passenger car side impact protection to light duty trucks and MPVs. In the case of rollovers, the conferees note that in a November 7, 1991 letter to the Committee on Energy and Commerce, the Administrator of NHTSA said:

> The rulemaking process will develop an advanced notice of proposed rulemaking (ANPRM) which will be published late this year. This will be followed by a notice of proposed rulemaking. If the comments and other information in the rulemaking record support the issuance of a final rule, the agency would adopt such a rule.
>
> Since the late 1980s, the agency has conducted research to determine if vehicle attributes exist which are related to vehicle rollover. In a multi-contract effort, the agency has collected engineering data on approximately 60 different vehicles, including MPVs, vans, trucks, and passenger cars. In addition, the agency has collected and analyzed

> over 100,000 accidents associated with rollover and non-rollover crashes of these vehicles. These two data sets, the physical measurements of the vehicles and the rollover propensity of the vehicles as measured by their actual accident history, were analyzed to determine correlations between vehicle rollover propensity and accident involvement. Correlations were found when controlling for variations in the individual crashes, such as driver demographics, weather conditions, and road conditions. This analysis was completed in the spring of 1991 and will provide the basis for the forthcoming ANPRM.

The conferees would expect NHTSA to issue an ANPRM before May 31, 1992. Indeed, the conferees understand that an ANPRM has recently been submitted to the Office of Management and Budget.

SECTION 2504—RECALL OF CERTAIN MOTOR VEHICLES

House bill

No provision.

Senate amendment

Section 216 of the Senate amendment provides the Secretary with authority to require manufacturers to send a second notification to owners of defective vehicles to enhance safety defect and non-compliance recall response rates. DOT's review of techniques such as postcard reminders to increase recall response rates shows that a follow-up notice can achieve response rates significantly higher than those achieved by the initial notification.

This section further requires that any owner of leased vehicles who receives a recall notice shall send a copy of such notice to the lessee of the vehicle. Finally, the section requires that any dealer who receives a recall notice with respect to any vehicle or item of equipment may not sell or lease that product unless the defect is remedied or the recall order has been restrained or set aside. This provision, according to the Senate, is intended to close a loophole that exists in the Safety Act.

Conference substitute

The conference substitute adopts the Senate provision. The conferees note that according to a letter from NHTSA Administrator Jerry Curry to the Chairman of the House Committee on Energy and Commerce, dated November 7, 1991, 1991, this provision was recommended by the Department of Transportation.

SECTION 2505—STANDARDS OF COMPLIANCE TEST PROGRAM

House bill

No provision.

Senate amendment

Section 207 requires the Secretary to establish a schedule for investigating compliance with each Federal Motor Vehicle Safety Standard in effect which is capable of being tested. This provision is a result of a December 1986 GAO report, "Motor Vehicle Safety: Enforcement of Federal Standards Can Be Enhanced," which found that enforcement of these standards could be enhanced by insuring that each standard is subject to testing on a regular, rotating basis.

Conference substitute

The conference substitute requires the Secretary to maintain, on a continuing basis, a five-year plan for testing Federal Motor Vehicle Safety Standards. The initial plan may be the five-year plan for compliance testing that is in effect on the date of enactment of the substitute. This provision provides the Secretary with considerable leeway in development of the plan and its implementation. The Conferees intend that the Secretary's testing plan will be available to the public, as it is currently.

SECTION 2506—REAR SEATBELTS

House bill

No provision.

Senate amendment

Section 211 of the Senate bill provides that the Secretary expend such funds as are deemed necessary from funds appropriated to carry out the Cost Savings Act for FYs 1992 and 1993 to provide consumers with information about retrofitting their vehicles with rear seat lap-and-shoulder belts. The Senate notes that such belts only recently have been required to be installed as original equipment, and there is ample evidence, compiled in part through NHTSA's rulemaking, to conclude that rear seat shoulder belts enhance vehicle safety.

All rear passenger car seats have been required since 1968 to be equipped with brackets to allow installation of lap-shoulder belts. Consumers and auto dealers should be made fully aware of the availability of retrofit kits.

Conference substitute

The conference adopts the Senate provision, with the modification that the program would be conducted solely during FY 1993.

SECTION 2507—BRAKE PERFORMANCE STANDARDS FOR PASSENGER CARS

House bill

No provision.

Senate amendment

Section 222 of the Senate amendment requires a rulemaking, to be completed within 12 months of enactment, to consider whether to adopt a standard requiring antilock brake systems for cars and MPVs. The Senate notes that there is evidence that these systems are useful in avoiding accidents, particularly in bad weather, and this section requires that NHTSA give priority consideration to whether they should be required.

Conference substitute

Not later than December 31, 1993, the Secretary, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966, shall publish an Advanced Notice of Proposed Rulemaking to consider the need for any additional brake performance standards for passenger cars, including antilock brake standards. The rulemaking is to be completed not later than 36 months from the date of initiation of the ANPRM, in accordance with clause 2502(b)(2)(B)(ii). In order to facilitate and encourage innovation and early application of economical and effective antilock brake systems for all such vehicles, the Secretary shall consider as part of the rulemaking, any brake system adopted by a manufacturer.

SECTION 2508—AUTOMATIC CRASH PROTECTION AND SAFETY BELT USE

House bill

No provision.

Senate amendment

The Senate notes that the current regulations of the Department of Transportation (DOT) require that passenger cars be equipped with "passive restraints," which include either airbags or automatic seatbelts that do not require action by the occupant in order to be engaged. When fully effective, in model year 1994, these regulations will require that all cars have one of these forms of passive restraint on both the driver and passenger side of the front seat (i.e. the front outboard seating position). 49 C.F.R. 571.208.

The Senate notes that in March 1991, DOT issued a similar requirement for passive restraints in the "light truck" fleet, which includes minivans, small pickups, and sport utility vehicles. 56 Fed. Reg. 12472-12487 (March 26, 1991). These vehicles, which originally were used primarily for cargo or work purposes, now make up approximately one-third of the new passenger vehicles sold, and are increasingly used by families. Under the DOT rule, "light trucks" will be required to have "passive restraints" (automatic belts or airbags) on both the driver and passenger sides on the following schedule: 20 percent of the vehicles manufactured after September 1, 1994; 50 percent of those manufactured after September 1, 1995; 90 percent of those manufactured after September 1, 1996; and 100 percent after September 1, 1997. However, those manufacturers that install airbags instead of automatic seatbelts on the driver side are permitted through a credit system to delay installation of any airbags on the passenger side until September 1, 1998.

The Senate amendment addresses the fact that the current rule permits manufacturers to choose between two forms of passive restraints. The Senate notes that DOT has estimated that airbags could save over 9,000 lives and prevent 155,000 moderate to serious injuries each year as compared to the situation if no cars were equipped with airbags. 49 Fed. Reg. 28986 (July 17, 1984).

Section 214 of the Senate amendment sets out two requirements with respect to airbags in passenger vehicles.

First, subsection 214(a) requires that, to the extent practicable, the Secretary, in cooperation with the General Services Administration and heads of other federal agencies, insure that passenger automobiles purchased for the federal fleet be equipped with airbags. Driver side airbags would be required for passenger cars acquired after September 30, 1991, and driver and passenger side airbags would be required for passenger cars acquired after September 30, 1993. If only one source of airbag-equipped vehicles is available, so that competitive bidding cannot occur, such purchase may not be practicable. However, since most manufacturers have announced plans to install airbags in their passenger car fleet in the mid 1990s, this problem is not likely to occur.

Second, subsection 214(b) requires that manufacturers equip all passenger cars and other passenger vehicles as defined in the section to include most multipurpose vehicles, with airbags on a phased-in schedule set out in the bill. Specifically, all passenger cars manufactured on or after September 1, 1995 must be equipped with airbags on both the driver and right front outboard seating positions. In addition, all trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less must have a driver side airbag if manufactured after September 1, 1996 and a passenger side airbag if manufactured on or after September 1, 1997.

Conference substitute

Paragraph (a)(1) requires the Secretary to issue a rule, by September 1, 1993, amending FMVSS 208 in a number of ways, including requiring the installation of an airbag that meets the requirements of FMVSS 208 on both the driver and front outboard passenger seating positions of passenger cars and MPVs and other light trucks. The issuance of a rule to accomplish mandatory airbags in the manner specified in this section is required notwithstanding any other provision of law or rule, but the rule is to be promulgated in accordance with the National Traffic and Motor Vehicle Safety Act of 1966 to the extent such Act is not in conflict with this section. This subsection requires a rule that supplements and revises but does not replace existing FMVSS 208, which was amended on March 26, 1991 to extend the standard's requirements to MPVs and other light trucks.

Paragraph (a)(2) requires that after the promulgation of the amendment in (a)(1), the Secretary shall require that owner's manuals contain specific language informing consumers about the need to wear seatbelts even in vehicles equipped with airbags. It states:

> (A) that the vehicle is equipped with an inflatable restraint referred to as an "airbag" and a lap and shoulder belt in either or both the front outboard seating positions;
>
> (B) that the airbag is a supplemental restraint;
>
> (C) that the airbag does not substitute for lap and shoulder belts which must also be correctly used by an occupant in such seating positions to provide restraint or protection not only from frontal crashes but from other types of crashes or accidents; and
>
> (D) that all occupants, including the driver, should always wear their lap and shoulder belts where available or other safety belts, whether or not there is an inflatable restraint.

Paragraph (a)(3) contains a finding that it is in the public interest for all States to adopt and enforce mandatory seat belt laws and for the Federal government to adopt and enforce mandatory seat belt rules. The conferees note that nine states have not yet adopted such a law. Also, the DOD and the Interior Department's Bureau of Land Management and National Park Service have adopted such rules.

Subsection (b) sets forth the following schedule for implementation of requirements of subparagraph (a)(1): (1) New Passenger Cars—95% of each manufacturer's production volume of cars manufactured on or after September 1, 1996 and before September 1, 1997, and 100% of all such production manufactured on or after September 1, 1997. (2) New MPVs and other light trucks and buses—80% of each manufacturer's production volume manufactured on or after September 1, 1997 and before September 1, 1998, and 100% of each manufacturer's production volume manufactured on or after September 1, 1998.

Subject to the provisions of subsection (c), the requirements for 100% coverage mean that all of these vehicles actually are equipped with airbags on both sides. This is not to be a mathematical calculation involving credits available under the 208 standard, as amended by this bill, from which the Secretary would derive 100% coverage. Rather, it is actual 100% coverage. The subsection provides that the incentives or credits available to the manufacturers under the amended Standard 208 are no longer available when the requirement for 100% coverage becomes effective.

Subsection (c) provides for a temporary exemption from requirements of this section due to supply and unavoidable disruptions. This exemption authority is permanent and is available even after the 100% requirement.

The Conferees intend that the temporary exemption be granted or renewed where there is a disruption of supply, or a disruption in the use and installation by the manufacturer of such component due to unavoidable events totally beyond the manufacturers' control. The Conferees expect that these exemptions will be rarely necessary. However, history shows that there have been supply problems in the past, as shown by a recent report of the General Accounting Office.

The Conferees expect that the Secretary will require written documentation of the facts that have made the inflatable restraint unavailable. The exemption is not intended to be available in situations in which vehicle production plans are interrupted or altered for reasons unrelated to the inflatable restraint, such as general economic conditions or work stoppages at the vehicle manufacturing plant.

In granting the exemption, the Secretary must require that the manufacturer recall the exempted vehicle and install the inflatable restraint within a reasonable time, which is to be proposed by the manufacturer subject to approval by the Secretary. Thus, each grant of exemption by the Secretary must include a requirement for vehicle recall and installation of the inflatable restraint, and a date by which that recall and installation must be completed.

The substitute directs the Secretary to require labeling for each exempted motor vehicle and to provide that the label can only be removed after recall and installation of the airbag. If the vehicle is delivered to the dealer without an inflatable restraint the Secretary shall require that written notification of exemption be delivered to the dealer and first purchasers of such exempted motor vehicles in such manner and containing such information as the Secretary deems appropriate. The purpose of this notice requirement is to inform the dealer and the consumer once the vehicle has reached the showroom of the dealer. Such notice is not necessary if the exemption is granted for the vehicle, and the vehicle is not sold by the manufacturer to the dealer prior to installation of the airbag. The bill does not specify the contents of the label. However, the intent is to inform the prospective purchaser that the inflatable restraint is absent and will have to be installed within a specified period of time. It is, of course, the intention of the Conferees that, in the case of a label, it be conspicuous and that it not be removed by anyone until the restraint has been installed as required.

With respect to subsection (d), the Conferees, noting NHTSA's letter of November 7, 1991, do not want by this section to change the law on liability as it existed prior to enactment. This section is not intended to be a "sword" or a "shield" in litigation or otherwise.

Subsection (e) provides for the Secretary to report biannually on the actual effectiveness of occupant restraint systems.

Subsection (f) provides for the establishment of a program, consistent with applicable provisions of Federal procurement law and available appropriations, under which light duty vehicles acquired by the Federal Government, to the maximum extent practicable, will have driver and passenger-side airbags.

SECTION 2509—HEAD INJURY IMPACT STUDY

House bill

No provision.

Senate amendment

Section 205 of the Senate amendment requires the Secretary, within 12 months of enactment, to issue a final rule amending Federal Motor Vehicle Safety Standard (FMVSS) 214 to establish performance criteria for passenger cars, to provide improved occupant protection from head injury in a side impact crash.

The Senate notes that approximately 8,000 Americans die each year in side impact crashes, and approximately 23,000 suffer serious, nonfatal injuries. Thirty-five percent of the life-threatening automobile injuries occur in side crashes. After many years of work, NHTSA recently issued an upgraded side impact protection standard for passenger cars, to prevent injuries to the chest and pelvis in such crashes. The Senate notes that, at the same time, NHTSA indicated that it would continue its work to address head injury prevention in such crashes.

Conference substitute

The conferees understand that there are other head injury protection matters which are the subject of research at NHTSA and which are not covered by section 2503(5) of this bill. This could include head injury protection matters from various types of crashes, such as side impact.

This section of the bill directs the Secretary to report on the need for rulemaking regarding this research and the extent of that research. The report would be provided by the end of FY 1993 and would identify such research matters and their status. It would also include a statement of any actions planned by the DOT toward initiating rulemaking not later than FY 1994 or 1995. Such a rulemaking would be either an ANPRM or NPRM and would be completed as soon as possible after proposal.

AUTOMOBILE CRASHWORTHINESS DATA

House bill

No provision.

Senate amendment

Section 206 of the Senate amendment required the Secretary to enter into agreements with the National Academy of Sciences to conduct a study, within specified time frames, to consider means of establishing a uniform rating system to permit consumers to compare the crashworthiness of different vehicles. Upon completion of the study, it is to be furnished to Congress, and the Secretary is to begin a period of public comment on the recommendations made in the study. The Secretary then shall determine whether such a crashworthiness rating system can be developed, and shall publish that determination. If it is determined that such a system can be developed, the Secretary is to conduct a rulemaking proceeding to develop such a rule within established time limits.

The Senate notes that the Motor Vehicle Information and Cost Savings Act currently requires DOT to compile crashworthiness information. However, the only such information available is obtained through random sampling in connection with NHTSA's New Car Assessment Program, and is not available at the vehicle's point of sale. The Senate notes that NHTSA studies indicate that prospective new car purchasers favor the idea of a Government safety rating. While a system that could compare all crashworthiness features with just one rating would be preferable and should be explored, the Senate amendment recognizes that a single rating may not be workable, and that a system of several ratings to indicate crashworthiness in various situations may be necessary. This section would permit either a single rating or multiple ratings.

Conference substitute

Senate recedes. The conferees believe that the development of such a system could be beneficial to consumers and encourage NHTSA to continue to work on providing vehicle purchasers usable, accurate, and timely crashworthiness information, taking into consideration all relevant factors in obtaining and disseminating such information.

INVESTIGATION AND PENALTY PROCEDURES

House bill

No provision.

Senate amendment

Section 208 of the Senate amendment requires the Secretary to establish written guidelines for conducting expeditious and thorough investigations of noncompliance with any requirements issued under the Safety Act, which includes NHTSA safety standards and recall orders. The Secretary also is to develop written guidelines for determining when the results of such investigations shall be the subject of a civil penalty proceeding. This provision was based on recommendations in the 1986 GAO report previously referred to in connection with section 207 of the Senate amendment.

Conference substitute

Senate recedes.

MULTIPURPOSE PASSENGER VEHICLE SAFETY

House bill

No provision.

Senate amendment

Section 209 of the Senate amendment requires that the Secretary complete, within 12 months of enactment, a rulemaking to review the classification system for safety purposes of vehicles that weigh under 10,000 pounds. The Senate notes that in the 1960s, NHTSA defined a number of vehicle classes, including a category referred to as multipurpose vehicles (MPVs) (less than 10,000 pounds and designed for carrying 10 persons or less, constructed either on a truck chassis or for occasional off-road operation). GAO recommended in 1978 that NHTSA review its system of classification of vehicles under 10,000 pounds. The Senate notes that since the original classification of passenger vehicles, the types of vehicles making up the passenger fleet have changed dramatically. The use patterns of multipurpose vehicles (MPVs) have changed from primarily cargo-carrying to primarily passenger-carrying. The Senate notes that there are differences between Customs Service classifications for duty purposes and NHTSA classification for safety purposes.

The Senate notes that in 1988 NHTSA issued a Notice of Proposed Rulemaking to consider reclassification. NHTSA terminated this rulemaking proceeding in April 1991, finding that although there could be some benefits associated with a new classification scheme, reclassification was less important because many passenger car safety standards had been extended to light trucks. The Senate notes, however, as NHTSA recognizes, the current situation with respect to current safety standards does not resolve the classification issue for the future. The Senate amendment intends that classification review should be completed to insure that the current classifications are logical and accurate, and insure that future safety standards are applied appropriately across the fleet.

In addition, this section requires that any reclassification of vehicles weighing under 10,000 pounds which is undertaken must consider the Customs Service Classification of vehicles and, to the maximum extent practicable, include as a passenger automobile any vehicle classified by the Customs Service as a vehicle principally designed for the transport of persons. The Senate amendment recognizes that there currently is no coordination between NHTSA and Customs, and that vehicles receiving favorable duty treatment as passenger vehicles may not be required to meet passenger car safety standards. While it may not be practicable to conform NHTSA passenger automobile classification completely to the classification made by the Customs Service, it is the intent of this section to insure that NHTSA reviews the Customs classification in the course of its classification process.

Conference substitute

Senate recedes.

IMPACT RESISTANCE CAPABILITY OF BUMPERS

House bill

No provision.

Senate amendment

Section 212 of the Senate amendment establishes two requirements with respect to bumpers. Subsection 212(a) amends the Motor Vehicle Information and Cost Savings Act to require the Secretary to promulgate a rule regarding disclosure by the manufacturers of the speed at which the bumper meets the applicable Federal damage criteria. Such information must be provided to the Secretary and disseminated by the Secretary to consumers in a form to facilitate comparison among various vehicle types. Subsection 212(b) requires the Secretary to amend, within one year of enactment, the current standard for bumper impact capability, in order to return to the standard in effect on January 1, 1982. The current standard requires bumpers to withstand established levels of damage at impact speeds up to 2.5 miles per hour without damage to the safety features or the exterior sheet metal of the vehicle. The standard to be implemented requires the vehicle to withstand certain levels of damage at impact speeds up to 5 miles per hour.

Conference agreement

Senate recedes.

STATE MOTOR VEHICLE INSPECTION PROGRAMS

House bill

No provision.

Senate amendment

Section 215 of the Senate amendment requires the Secretary to report regularly to Congress on its efforts to assist states and coordinate with EPA in establishing state motor vehicle inspection programs. The Senate notes that a recent GAO report, "Motor Vehicle Safety: NHTSA Should Resume Its Support of State Periodic Inspection Programs," found that such inspection programs reduce highway accident rates by reducing the number of poorly maintained vehicles. This section will allow Congress to monitor more effectively NHTSA's activities in this area.

Conference substitute

Senate recedes.

DARKENED WINDOWS

House bill

No provision.

Senate amendment

Section 217 of the Senate amendment requires the Secretary to conduct a rulemaking to consider certain safety issues related to the use of dark tinted windows in passenger vehicles and the adequacy to current safety standards in this regard. The Senate notes that NHTSA completed a study of this issue in March 1991, and determined that rulemaking is appropriate. This section would insure that the rulemaking is completed in a timely fashion.

Conference substitute

Senate recedes.

GRANT PROGRAM CONCERNING USE OF SEATBELTS AND CHILD RESTRAINT SYSTEMS

House bill

No provision.

Senate amendment

Section 218 of the Senate amendment establishes a grant program to encourage the states to increase the rate of seat belt usage among their citizens, and to educate their citizens about the proper use of child restraint systems. Grants would be available for a maximum of three fiscal years, to fund a declining percentage of the cost to states of their programs to achieve the required goals. Grants would be available to states that (1) have in effect mandatory seat belt use laws applicable to front seat passengers; (2) achieve either 70 percent seat belt usage by those passengers or a stated, and increasing, improvement over 1989 use rates; and (3) have in effect a program determined by the Secretary to encourage the correct use of child restraint systems.

Conference substitute

Senate recedes. A similar grant program is included in Title I of the conference report.

PEDESTRIAN SAFETY

House bill

No provision.

Senate amendment

Section 220 of the Senate amendment required that NHTSA compete a rulemaking, within two years of enactment, to minimize pedestrian injury attributable to vehicle design elements such as hoods, hood ornaments, fenders and grills. The Senate notes that, according to NHTSA, almost 7,000 pedestrians are killed annually in the United States. Since 1981, NHTSA had done considerable research on reducing pedestrian injuries, and identifying sources of these injuries. This section would require that a rulemaking be conducted utilizing that research.

Conference substitute

Senate recedes.

DAYTIME RUNNING LIGHTS

House bill

No provision.

Senate amendment

Section 221 of the Senate amendment required a rulemaking, to be completed within 12 months of enactment, to authorize passenger cars and MPVs to be equipped with daytime running lights. The Senate notes that some preliminary research in other countries has indicated that these lights reduce accidents. However, some state laws on headlight configuration have the effect of prohibiting the use of such lights. This section would allow their use. The section also requires that the Secretary report to the appropriate congressional committees, within two years of enactment, on the safety implications of these lights.

Conference substitute

Senate recedes. The conferees note that on August 12, 1991 NHTSA issued a notice or proposed rulemaking on the issue of whether manufacturers should be permitted to produce vehicles with daytime running lights despite state laws concerning headlight configuration.

HEADS-UP-DISPLAYS

House bill

No provision.

Senate amendment

Section 223 of the Senate amendment required a rulemaking, to be completed within 12 months of enactment, to consider whether heads-up displays, which permit the driver to obtain information on speed, fuel level, and other instrument readings without looking down, should be required in cars and MPVs. The Senate notes that there is some information that such displays may reduce accidents by allowing the driver to keep his or her eyes on the road while obtaining instrument information. The rulemaking required by this section would not have to result in the issuance of a new or different performance standard or requirements. It is presumed, however, that NHTSA would establish such standard if its investigation showed that they were practicable, would meet the need for motor vehicle safety, and could be stated in objective terms.

Conference substitute

Senate recedes.

TITLE III—TRANSIT

House Bill

The House bill provides that unless specifically identified otherwise, all changes to existing law contained in the Act have been made to the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1601-1621).

Senate amendment

The Senate bill contains a similar provision.

Conference substitute

Senate recedes to House.

AGENCY NAME CHANGE

House bill

The House contains a provision that would rename the Urban Mass Transportation Administration (UMTA) as the Federal Transit Administration (FTA).

Senate amendment

Senate contained similar provision.

Conference substitute

The conference report includes the House provision.

FINDINGS AND PURPOSES

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would add a new finding that a significant improvement in public transportation is necessary to achieve national goals for improved air quality, energy conservation, international competitiveness and mobility for the elderly, persons with disabilities and the economically disadvantaged in urban and rural areas of the country.

This section would also amend Section 2(b) to state that an objective of the Act will be to provide State and local governments with financial resources to help implement the national goals related to improved air quality, international competitiveness and mobility for the elderly, persons with disabilities and economically disadvantaged persons.

Conference substitute

The conference report includes the Senate provision which has been incorporated into Title I.

CAPITAL GRANTS—ELDERLY AND PERSONS WITH DISABILITIES

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would amend Section 3 of the Act to allow public transit agencies to apply for capital funding under the Section 3 grant program for transportation projects that are specifically designed to meet the needs of elderly persons and persons with disabilities.

Conference substitute

The conference report includes the Senate provision.

SECTION 3—PROGRAM ALLOCATIONS

House bill

The House bill contains a provision not included in the Senate bill that would allocate 10 percent of Section 3 funds for a minimum apportionment program which guarantees that each State will receive ⅓ of 1 percent of Mass Transit Account funds distributed annually. These funds may be used, at the discretion of the Governor of the state, for any highway or transit capital project eligible for Federal funding. The Federal share for minimum apportionment projects will be 80 percent, unless a lower Federal share in specified under title 23, United States Code.

Senate amendment

The Senate bill contained a provision not included in the House bill that would require the Secretary to allocate Section 3 grant funds in the following way: 40 percent for rail modernization; 40 percent for construction of new fixed guideway systems and extensions to fixed guideway systems; and 20 percent for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities.

Conference substitute

House recede to Senate with an amendment to create a rural transit set aside of 5.5 percent of the 20 percent allocated for the replacement, rehabilitation and purchase of buses and bus related equipment and the construction of bus facilities.

ADVANCE CONSTRUCTION—TECHNICAL AMENDMENT RELATED TO INTEREST COST

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would amend Section 3(l) to make the advance construction mechanism more workable by deleting language that requires grantees to bet on future inflation. The bill substitutes the requirement that operators obtain the most favorable interest terms reasonably available for the project at the time of borrowing.

Conference substitute

The conference report includes the Senate provision with an amendment to ensure that operators use due diligence in obtaining the most favorable interest terms.

CAPITAL GRANTS—EARLY SYSTEMS WORK CONTRACTS

House bill

No similar provision.

Senate amendment

The Senate bill contained a provision not included in the House bill that would authorize the Secretary to enter into full funding contracts and early systems work agreements with applicants to provide for more efficient project management.

Conference substitute

The conference agreement includes the Senate provision with technical amendments.

TRANSIT DEFINITIONS

House bill

The House bill contains a provision not included in the Senate bill that makes the terms transit, public transportation and mass transportation synonymous.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision.

CAPITAL GRANT OR LOAN PROGRAM

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would rename section 3 of the Urban Mass Transportation Act of 1964 to read "Capital Grant or Loan Program" rather than "Discretionary Grant or Loan Program".

Conference substitute

The conference report does not include the Senate provision.

SECTION 3—LETTER OF INTENT

House bill

The House bill contains a provision not included in the Senate bill that eliminates the letter of intent process currently used by the Secretary to make discretionary grants under the UMTA Section 3 program.

Senate amendment

No similar provision.

Conference substitute

House recede to Senate.

SECTION 3—INNOVATIVE TECHNIQUES

House bill

No similar provision.

Senate amendment

The Senate bill contained a provision not included in the House bill that would expand eligible activities under the section 3 discretionary program to include projects that introduce innovative techniques and methods to public transportation. This change merely codifies existing statute by incorporating language from section 4(i) into section 3.

Conference substitution

The conference report does not contain the Senate provision.

SECURITY GRANTS

House bill

The House bill contained a provision not included in the Senate bill that would set aside $10,000,000 annually from the section 3 bus discretionary program for projects which enhance transit security.

Senate bill

No similar provision.

Conference substitution

The conference report contains the House provision with an amendment to provide funding for transit security through the section 9 formula program rather than the section 3, a discretionary program. Section 9 recipients must spend 1 percent of their formula apportionment on transit security projects or certify to the Secretary that transit security needs are adequately met. Transit security would also be added as a factor for consideration in the development of transportation plans and programs.

SECTION 3—GRANDFATHERED JURISDICTIONS

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would clarify that all existing letters of intent, full funding grant agreements and letter of commitment will remain in effect with passage of this Act.

Conference substitute

The conference agreement included the Senate provision.

MATCHING SHARES

House bill

The House bill contains a provision not included in the Senate bill that would increase the Federal share for projects under Section 3 of the UMT Act from 75 percent to 80 percent.

Senate bill

The Senate bill contained a provision not included in the House bill that would establish a higher federal match for those projects funded under sections 3, 9, 16(b), and 18 that involve the acquisition of bus-related equipment (e.g. lift equipment, particulate traps) or the construction of facilities (e.g. alternative fuels facilities) required by the Clean Air Act Amendments of 1990 or the Americans with Disabilities Act. The federal match would be set at 90 percent of the cost of such equipment or facilities. The Secretary would determine the portion or portions of a project eligible for the higher federal match.

Conference substitute

The conference report includes the House provision and the Senate provision with an amendment to also make vehicle-related equipment required by the Clean Air Act, as amended, or the Americans with Disabilities Act eligible for a 90 percent federal match.

PLANNING

House bill

Section 305 creates an intermodal transportation planning process by combining the fundamental requirements of highway and transit planning under sections 134 and 135 of title 23, United States Code.

Senate amendment

The Senate bill contains a similar provision.

Conference substitute

The Conference agreement contains elements of both the House and Senate bills.

The conferees intend and expect that MPOs when developing long-range plans will cooperate with States and units of local government in outlying areas that are not yet urbanized but are included in the long-range plan since they are expected to become urbanized in the future.

Private Enterprise and MPO Certification

In accordance with this provision, localities shall be afforded wide flexibility in establishing criteria to be used in determining the "feasibility" of private involvement in local programs. However, nothing in this provision shall diminish the responsibility of the Secretary to encourage grantees of federally funded projects to provide for the maximum feasible participation of private enterprise in accordance with Section 8(e).

SECTION 9 PROGRAM

House bill

The House bill contains a provision not included in the Senate bill that would increase the share of formula grant funds allocated to urbanized areas of less than 200,000 population from 8.64 percent to 10 percent and consequently reduce the share of formula grant funds allocated to urbanized areas of 200,000 or more population from 88.43 percent to 85 percent.

The House bill would specifically extend the safety authority of the FTA to the Section 9 formula grant program.

The bill would redefine "materials and supplies" as associated capital maintenance items.

It provides that the operating assistance limitation imposed on urbanized areas under the section 9 formula grant program will be adjusted for inflation according to the Consumer Price Index of the most recent calendar year on October 1, 1991 and each year thereafter.

Senate bill

The Senate bill contained a provision not included in the House bill that would make several amendments to simplify the section 9 grant application process—particularly the existing requirements that recipients self-certify their compliance with various statutory mandates.

The bill would mandate that all certifications required by law be incorporated into a single document to be submitted annually as part of the Section 9 application. The subsection would also require the Secretary to publish an annual list of all required certifications in conjunction with its annual publication—currently required by Section 9(q)—of information outlining the apportionment of Section 9 funds.

The bill would require the Secretary to establish streamlined procedures to govern a recipient's "continuing control" certification with respect to track and signal equipment. Under existing law, a section 9 recipient is required to certify that it has or will have "satisfactory continuing control" over the use of its facilities and equipment. Transit operators have found that UMTA's interpretation of this requirement with respect to track and signal equipment imposes unnecessary administrative burdens on transit recipients.

The Senate bill contained a provision not included in the House bill that would amend section 9 to prevent a transit recipient that undertakes certain energy efficiency initiatives from losing formula funds.

The Senate bill contained a provision not included in the House bill that would apply Section 22 of the Federal Transit Act, which gives the Secretary investigatory powers to ensure safety in mass transit systems, to the section 9 program. The provision is necessary because of the requirement in section 9(e)(1) that only specified sections of the Federal Transit Act apply to section 9.

Conference substitution

The conference report includes the Senate provisions with the following amendments. The share of formula grant funds allocated to urbanized areas of less than 200,000 population is increased from 8.65 percent to 9.32 percent; the share of formula funds for urbanized areas greater than 200,000 population is consequently reduced from 88.43 to 85.10.

The operating assistance limitation in current law would be adjusted for inflation based on the consumer price index, but such increase could not be greater than the increase in the section 9 appropriations from the previous fiscal year.

Energy Efficiency

"The conferees expect that the FTA will adhere to the energy efficiency policy in this legislation. Grantees are deemed in compliance with this policy should they operate shorter trains during certain time periods in order to achieve energy and operating efficiencies."

Security Grants

"The conferees agree that eligible projects include safety communications equipment, as well as, the design and construction of safety and security facilities located on transit system premises."

SECTION 9 PROGRAM—ELIMINATION OF INCENTIVE TIER

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would eliminate the "incentive tier" provisions of the section 9 bus and rail funding formulas.

Conference substitute

The conference report does not include the Senate provision.

SECTION 9 PROGRAM—PROGRAM OF PROJECTS

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would require a recipient, in developing its program of projects, to assure that the program provides for the maximum feasible coordination of public transportation services assisted under the section 9 program with transportation services assisted by other federal sources. A similar provision currently is in Section 18 of the Act.

Conference substitute

The conference report includes the Senate provision with an amendment to delete the words "maximum feasible."

MODIFIED BUS SERVICE

House bill

The House bill contained a provision not included in the Senate bill that would allow "tripper service" to accommodate the needs of students in New York City.

Senate bill

No comparable provision.

Conference substitute

The conference report includes the House provision with a modification to define express bus service to include special school bus service intended to alleviate pressure on regularly scheduled local bus service.

USE OF POPULATION ESTIMATES AND CENSUS DATA

House bill

The House bill did not include a similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would require more frequent updates of the population statistics used to distribute funds under Section 18 and Section 9 for small urbanized areas. Under current law, all UMTA formula programs use population statistics from the most recently available Federal Census. This section would require the Secretary to use interim population estimates provided by the Secretary of Commerce to update the formulas every four years.

The Senate bill also contained a provision not included in the House bill that would require the Secretary to use data from the 1990 census, to the extent practicable, in determining allocation of funds under Sections 9, 16(b)(2) and 18 for fiscal year 1992. The Secretary of Transportation and the Secretary of Commerce would be required to coordinate efforts to expedite the availability of census data in a form that is appropriate for the transit program formulas. The Secretary of Transportation must notify the Congressional authorizing Committees of actions taken under this section within 9 months of enactment of the Federal Transit Act.

Conference substitute

The conference agreement contained the Senate provision with an amendment to drop the use of the 1990 Census to the extent practicable for fiscal year 1992 and limiting the use of interim estimates to the Section 16(b)(2) and 18 programs.

FORMULA GRANT PROGRAM—DISCRETIONARY TRANSFER OF APPORTIONMENT

House bill

The House bill would allow the Governor of a state to transfer 25 percent of the funds allocated to that state for expenditure in urbanized areas of less than 200,000 population under the section 9 program to any other transportation purpose eligible for Federal funding under title 23, United States Code, and an additional 10 percent if transit services are being adequately maintained in those areas.

The House bill would also allow the Governor of a state to transfer 25 percent of the funds allocated to that state for expenditure in rural areas under the section 18 program to any other transportation purpose eligible for Federal funding under title 23, United States Code, and an additional 10 percent if transit services are being adequately maintained in those areas.

Senate bill

The Senate bill would provide that, in a transportation management area, formula grants for construction projects could also be used for highway projects; provided that (i) such use is approved by the metropolitan planning organization in accordance with section 8(c) after appropriate notice and opportunity for comment and appeal is provided to affected transit providers, (ii) adequate provision is first made for any program of investments required to comply with the Americans with Disabilities Act and (iii) funds for the State or local government share of the project are eligible to fund either highway or transit projects, or the Secretary finds that State or local law provides a dedicated source of sufficient funding available to fund local transit projects.

Conference substitute

The conference report contains the Senate provision with an amendment to remove the Secretary's authority to certify that sufficient funding is available to fund transit projects.

SPECIAL PROCUREMENT

House bill

The House bill contains a provision that would permit the use of "turnkey" procurement in the award of grants for the construction of new transit systems. A "turnkey system project" is defined as one in which a grant recipient contracts with a consortium of firms, an individual firm(s), or a vendor to build a transit system that meets specific performance criteria and which is operated by the vendor for a period of time. Multi-year rolling stock procurements are also specifically permitted.

Senate amendment

The Senate bill contained a similar provision.

Conference substitute

The conference report includes the House provision with an amendment to ensure that the Secretary must allow at least two projects to pursue turnkey system procurements, and to require the Secretary to consider any other projects using turnkey procurement in the development of regulations. The report also includes a provision to allow transit grantees to select other than the lowest bidder if such selection furthers objectives which are consistent with the purposes of this Act, such as improved long term operating efficiency and lower long term costs.

RULEMAKING

House bill

No comparable provision.

Senate bill

The Senate bill would require the Secretary to use the notice-and-comment rulemaking process on a range of significant Federal Transit Administration policy issues but would not require the process to be followed in the case of emergency rules, routine matters, or matters of insignificant impact.

Conference substitute

The conference report includes the Senate provision. The conferees do not intend that the Secretary publish all of the Federal Transit Administration's instructions or routine requirements as rulemakings. Examples of matters not subject to the rulemaking process include the issuance or revision of grant application circulars, such as those for the section 9 or 18 programs, letters of explanation or interpretation of regulations or policies in response to requests from Members of Congress or the public, internal procedures on administrative issues, and other routine managerial and program issues.

TRANSFER OF FACILITIES AND EQUIPMENT

House bill

The House bill contains a provision not included in the Senate bill that would allow the transfer of capital assets acquired with Federal assistance, which are no longer needed for the purpose for which they were acquired, to any public purpose, provided that the Secretary determines that certain conditions regarding the value and use of the assets have been met.

Senate bill

The Senate bill included a similar provision. The Senate bill also included a provision to allow a similar transfer of assets between the section 18 and section 16 programs.

Conference substitute

The conference report includes the House provision and the Senate provision for transfer of assets under section 18 and section 16.

ELDERLY AND PERSONS WITH DISABILITIES

House bill

The House bill would permit the use of section 16(b) funds for operating expenses. Also, transit service providers receiving assistance under sections 16 or 18 may coordinate and assist in providing meal delivery service for homebound persons on a regular basis if providing the meal service does not conflict with the provision of transit service or result in a reduction of service to transit passengers.

Senate bill

The Senate bill contained a provision not included in the House bill that would clarify existing FTA practice by specifying that funds provided under the Section 16(b)(2) program will be allocated to the States, who in turn will distribute funds to eligible private non-profit organizations. States would submit a program of projects to the Secretary for approval as is current practice. The section also requires an assurance that the State's program of projects provides for the coordination of Section 16(b)(2) transportation services with transportation services assisted from other Federal sources. This provision is designed to encourage more effective coordination and to avoid duplication of service.

In addition, the section would authorize assistance to public bodies that are approved by a State to coordinate transportation services for elderly persons and persons with disabilities. This provision is designed to support the efforts of States attempting to coordinate transportation services.

The Senate bill would allow the Governor of each State to use any funds that remain unobligated from the Section 16(b)(2) program during the final 90 day period prior to the expiration of the grant to be used to supplement funds distributed under either the Section 18 program or the Section 9 program.

The Senate bill would also require the Secretary to issue regulations to allow recipients of 16(b)(2) funds to lease their equipment to public transit entities. The section specifies that the regulations shall be issued within 60 days of enactment of the bill.

Conference substitute

The conference report includes the Senate provisions with an amendment to clarify that public bodies are eligible for capital funding under Section 16(b)(2) only if they certify to the Governor that no non-profit corporations are readily available in an area to provide transportation for elderly persons and persons with disabilities. The conference report includes a provision to allow eligible capital expenses to include the acquisition of transportation services under a contract, lease or other arrangement. The report includes the House provision regarding meal delivery service for homebound persons.

ELIGIBILITY STUDY

House bill

The House bill contains a provision not included in the Senate bill that requires the Secretary to conduct a study on the eligibility requirements of individuals with disabilities for off-peak reduced transit fares.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision.

E&H FUNDS FOR PENNSYLVANIA

House bill

Section 329 sets aside an additional $1,000,000 in Section 9 and 18 funds in FY 1992 for the State of Pennsylvania for elderly and handicapped transportation services.

Senate amendment

No comparable provision.

Conference substitute

The conference report does not include the House provision.

INTERCITY BUS TRANSPORTATION

House bill

The House bill contains a provision not included in the Senate bill that would provide that, before apportioning section 18 funds, the Secretary shall set aside $20,000,000 for intercity bus transportation.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision with an amendment to set aside funds for intercity bus service from each State's apportioned section 18 funds rather than provide a discretionary set-aside from the total program. A State would be required to spend 5% of its section 18 allocation in fiscal year 1992, 10% in fiscal year 1993 and 15% in fiscal year 1994 and all years thereafter, for the development of an intercity bus program unless it certifies to the Secretary that the State's intercity bus needs have been adequately met relative to other rural needs in the State.

GAO STUDY ON PUBLIC TRANSIT NEEDS

House bill

The House bill contains a provision requiring the Secretary, beginning in January 1993 and biennially thereafter, to report to the Congress a comprehensive estimate of the future transit needs of the nation, including an assessment of the impact of the transferability of transit funds to highway projects.

Senate bill

The Senate bill contained a similar provision that would require the General Accounting Office, on a biennial basis, to submit a report to Congress that evaluates the extent to which the nation's transit needs are being adequately addressed. The report would include (1) an analysis of the unmet needs for transit; (2) a projection of the maintenance and modernization needs that will accrue over the coming five years as existing transit equipment and facilities deteriorate; and (3) a projection of the need to invest in additional transit facilities over the coming five years to meet changing economic, commuter and residential patterns. The report would also estimate (1) the cost of meeting the needs identified above; (2) the public and private resources that will be available to support public transit; and (3) the gap between transit needs and resources.

Conference substitution

The Conference Agreement contains the Senate provision requiring the General Accounting Office to conduct a comprehensive study on total funding needs for public transit systems as well as a study on the effects of shifting transit funds to highway projects.

ENGINEERING AND DESIGN SERVICES

House Bill

The House contains a provision not included in the Senate bill that would allow the use of indirect cost rates established in accordance with Federal acquisitions regulations in the performance of, or auditing of, FTA grants.

Senate bill

No similiar provision.

Conference substitute

Recede to Senate.

SAFETY CONDITIONS IN MASS TRANSIT

House bill

The House bill included a provision not in the Senate bill that would require states to establish and implement a safety program for fixed guideway transit systems and require the Secretary to withhold transit funds if the State does not comply with the provisions of the section.

Senate bill

The Senate bill contained a provision not included in the House bill that would require the Secretary to submit a report to Congress within 180 days of enactment on the safety of mass transit. The report would include a summary of all passenger-related and employee-related deaths and injuries resulting from unsafe conditions in mass transit facilities. The report would also include a summary of the investigative and remedial actions taken by the Secretary in accordance with the authority provided by Section 22. Finally, the report would make recommendations concerning any legislative or administrative actions that are necessary to ensure that recipients of federal funds will institute the best means available to correct or eliminate safety hazards.

Conference substitute

The conference report includes the Senate provision and the House provision with an amendment to limit the ability of the Secretary to withhold transit funds.

AWARD AUDITS

The House bill contains a provision not included in the Senate bill.

House bill

Section 310 clarifies Congressional intent regarding pre-award and post-award audits of rolling stock purchases.

Senate amendment

No comparable provision.

Conference substitute

The conference report does not contain either provision.

M ACCOUNT

House bill

The House bill contains a provision not included in the Senate bill.

Preserves the availability of M account balances available as of August 1, 1991.

Senate amendment

No similar provision.

Conference substitute

The conference report includes the House provision.

PROJECT MANAGEMENT OVERSIGHT

House bill

No comparable provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would increase the percentage of funds reserved for FTA's project management oversight program. The current ½ percent takedown of all funds available to carry out sections 3, 9, 18, interstate transfer projects, and the National Capital Transportation Act (authorizing legislation for D.C. Metro) would be increased to ¾ percent. A technical restriction would be removed that currently limits the use of these "takedowns" from each eligible program to projects funded under that same particular section. Instead, FTA could aggregate all of these funds for use on projects in any of the eligible programs.

Conference substitute

The conference report includes the Senate provision with an amendment to limit the increase to ¾ percent set-aside to section 3 projects at the discretion of the Secretary.

PLANNING AND RESEARCH

House bill

Section 317 establishes a combined planning and research program under a new section 26. Of the funds made available annually, one-third is available to the Secretary to make grants under sections 6, 8, 10, 11(a), 18(h), or 20.

The remaining two-thirds is available to the states and metropolitan planning organizations for transit-related planning under sections 134 and 135 of title 23, United States Code.

Senate amendment

The Senate bill included a similar provision with a different funding structure.

Conference substitute

The conference report includes the Senate provision with an amendment to add several research demonstration projects.

The suspended Light Rail System Technology Pilot Project should be administered and implemented by the Federal Transit Administration Office of Technology Assistance and Safety with normal oversight and control by the Office of the Administrator.

The conferees want to make clear their intentions with regard to the transit cooperative research program under Section 317(a) of the House bill and under Section 341 of the Senate bill. It is our intention, as specified under an understanding between UMTA and the transit industry and as outlined in the Floor statement of Public Works and Transportation Chairman Roe, that the Transit

Development Corporation be designated as the independent governing board that determines what research and related activities are carried out. In interpreting the statutory language it is the conference committee's expectation that this independent governing board will have the authority to provide its own staffing and that UMTA will pay for such expenses. In addition, while the conferees envision that the Transportation Research Board, under the National Academy of Sciences will conduct the research projects designated by the Transit Development Corporation, they expect that the Transit Development Corporation and the American Public Transit Association will have the opportunity to disseminate the results of such research and that UMTA will support such dissemination costs.

CHARTER SERVICE DEMONSTRATION PROGRAM

House bill

No comparable provision.

Senate amendment

The Senate bill contained a provision that would require GAO to conduct a study on charter service regulation.

Conference substitute

The GAO charter service regulation study is amended to include a demonstration program. In response to the concerns expressed by local transit operators regarding the existing charter service regulation, the Conferees have mandated the Secretary to implement an alternative set of regulations in not more than four states that would permit transit operators to provide charter services.

These regulations should be designed to enable public transit operators to provide charter services to government, civic, charitable and other community organizations that serve a public purpose and help address unmet transit needs. It is intended that these regulations will grant public transit operators with additional flexibility that is not afforded under the existing charter services regulations, but will to the maximum extent feasible, not create undue competition for privately owned charter services.

It is the desire of the Conferees to ensure that the regulations provide proper balance between the interests of public and private operators. Thus, in developing the regulations, the Secretary will be required to consult with an advisory board which has equal representation of public transit operators and privately owned charter services.

The Conferees intend to throughly monitor the demonstration program and to review the results of the study carefully during consideration of the interim surface transportation bill.

The Conferees believe this demonstration program will provide Congress and the Secretary with information to determine: (1) the most effective methods for providing charter services to local communities; and (2) whether the current regulations are in need of modification. The Conferees recommend that the Secretary select the state of Michigan as a participant in the program.

EFFECTIVE DATE

House bill

Section 331 sets an effective date of October 1, 1991 for the Act.

Senate amendment

No comparable provision.

Conference substitute

The conference report does not include the House provision.

BUDGET COMPLIANCE

House bill

Section 332 ensures compliance with budgetary guidelines.

Senate amendment

No comparable provision.

Conference substitute

The conference report includes the House provision with a conforming amendment.

House bill

The House bill contains a provision not included in the Senate bill that would allow the New Jersey Transit Corporation to apply Petroleum Violation Escrow Account (PVEA) Funds as a credit toward the non-Federal match of transit projects.

Senate bill

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision.

FORGIVENESS OF OBLIGATION

House bill

The House bill would forgive the balance on a grant agreement made to the Fayetteville Transit Authority.

The House bill would extend the period by which the Southeastern Pennsylvania Transit Authority (SEPTA) must repay certain loans to UMTA by 10 years.

Senate bill

No comparable provision.

Conference substitute

The conference report includes the House provision with an amendment to forgive the SEPTA loan.

MILWAUKEE ALTERNATIVES ANALYSIS

House bill

Section 333 requires the Secretary to approve the undertaking of an alternatives analysis for the East-West Central Milwaukee Corridor.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

Conference agreement included the House provision.

House bill

The House bill would allow the New Jersey Transit Corporation to apply Petroleum Violation Escrow Account (PVEA) Funds as a credit toward the non-Federal match of transit projects.

The House bill would provide an additional $4,000,000 to the Niagara Frontier Transit Authority for service associated with the 1993 World University Games.

The House bill would increase the operating assistance limitation for the Staten Island Ferry by $2,700,000 in FY 1992.

Senate amendment

The Senate bill would amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 Act to permit a commuter rail line (Tri-County Rail Authority) in south-eastern Florida to continue to receive federal operating assistance under section 9.

Conference substitute

The conference report includes the House and Senate provisions.

PETROLEUM VIOLATION ESCROW ACCOUNT FUNDS

House bill

The House bill would allow the New Jersey Transit Corporation to apply Petroleum Violation Escrow Account (PVEA) Funds as a credit toward the non-Federal match of transit projects.

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Senate amendment

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Conference substitute

The conference report includes the House and Senate provisions.

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Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference agreement included the House provision.

SECTION 3—NEW STARTS

House bill

The House bill included provisions that would require all new start projects to be authorized in statute in order to receive funds. The bill would require FTA to submit to Congress annually a report on new starts.

Senate bill

The Senate bill included provisions not included in the House bill that would revise the new starts criteria and project development process.

Conference substitute

The conference report contains provisions from both the House and Senate bills.

The Conferees want to make clear that, in establishing guidelines for construction of new fixed guideway systems or extensions to such systems, the Act's directive that the "degree of local financial commitment shall be considered acceptable only if—"(ii) each proposed local source of capital and operating funding is stable, reliable, and available within the proposed project timetable;" shall not prevent funding for projects for which there is a reasonable expectation of local funding. The conferees expect that the guidelines would include among the types of financial commitment that constitute an acceptable degree of local financing, state and local tax levies or assessments, annual state or local general fund appropriations, anticipated bond revenues, in kind contributions, and other possible funding sources.

3(C)(iii)—The Conferees want to make clear that, in establishing guidelines for construction of new fixed guideway systems or extensions to such systems, the Act's directive that the "degree of local financial commitment shall be considered acceptable only if—"local resources are available to operate the overall proposed transit system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing transit services in order to operate the proposed project" shall not prevent funding for projects where such proposed projects would provide a substantially similar level of existing transit service. The conferees do not intend such guidelines to prevent initiation of fixed guideway projects that would provide a level of service similar to that already provided through other means.

NEW JERSEY URBAN CORE PROJECT

House bill

The House bill would prescribe terms and conditions which the Secretary must include in a full funding grant agreement for the construction of the New Jersey Urban Core Project.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision.

SAN FRANCISCO BAY AREA RAIL EXTENSION PROGRAM

House bill

The House bill would prescribe terms and conditions which the Secretary must include in a full funding grant agreement for the construction of an extension of BART to the San Francisco International Airport and for the construction of the locally preferred alternative for the Tasman Corridor Light Rail Project.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision.

MULTI-YEAR METRO RAIL CONTRACT

House bill

The House bill would prescribe terms and conditions which the Secretary must include in a multi-year grant agreement for the construction of planned extensions to the Metro Rail Rapid Transit System in Los Angeles, California.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision.

MISCELLANEOUS MULTI-YEAR CONTRACTS

House bill

The House bill would prescribe terms and conditions which the Secretary must include in various multi-year grant agreements for specified transit projects.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision with amendments.

The conferees expect the Connecticut Department of Transportation to continue to designate the Penquonnock (Peck) River Railroad Bridge project as a high priority project to be completed within available funds. The conferees concurrently direct the federal Urban Mass Transportation Administration, in acting on the Connecticut Department of Transportation's funding request for the Peck Bridge project, to take account of the importance the conferees place on the completion of this project for the state of Connecticut and the proper functioning of the entire Northeast rail corridor.

The managers direct that $250,000 of the funds made available under section 3 be used to initiate an analysis of the possible route, options and incremental phases for assistance necessary for a rail connection between North Station and South Station in Boston, Massachusetts.

This study should include an operating analysis, taking into consideration the option of connecting such service with existing or proposed rail services to and from Boston, including the connection's capability of meeting the regional, intrastate and interstate transportation demands.

This study should include an engineering and financial analysis, taking into consideration a regional commuter railroad service, Massachusetts intercity service and/Amtrak interstate service. UMTA is responsible for the overall study, but should conduct it in coordination, as deemed necessary, with the Federal Railroad Administration, Amtrak, private freight lines and regional transportation authorities.

The study is intended only as an assessment of feasibility, but shall include recommendations for possible federal assistance. This analysis shall be of rail link separate and distinct from the Boston Central Artery/Third Harbor Tunnel project and the Federal Highway Administration.

Of the funds authorized to be appropriated under this Act, the conferees intend that $750,000 be provided to assist the Research

Triangle Regional Public Transportation Authority with a regional transit planning study to identify transportation system deficiencies, possible solutions, and evaluate transit technology alternatives.

AUTHORIZATIONS

House bill

The House bill would authorize the following amounts for FTA programs:

FEDERAL TRANSIT ADMINISTRATION

[In millions of dollars]

FTA Program		1992	1993	1994	1995	1996	1997
Sec. 9, 18	(G)	2,130	2,125	2,025	2,125	2,225	2,305
	(M)	0	555	555	555	555	1,555
(Blend)	(M)	180	300	400	300	200	275
Total Sec. 9, 18		2,310	2,980	2,980	2,980	2,980	4,135
Sec. 3	(M)	1,350	1,680	1,580	1,680	1,780	2,485
(Blend)	(M)	180	300	400	300	200	275
Total Sec. 3		1,530	1,980	1,980	1,980	1,980	2,760
Sec. 4(i), 16(b)	(M)	25	35	35	35	35	45
Sec. 16(b)	(G)	20	25	25	25	25	35
Planning [1]	(M)	67	123	123	123	123	158
UTC	(M)	7	7	7	7	7	7
Admin.	(G)	50	50	50	50	50	60
Total		4,009	5,200	5,200	5,200	5,200	7,200
UTC	(H)	7	7	7	7	7	7
Inter-Sub. Transit	(G)	160	160	0	0	0	0
Total		4,176	5,367	5,207	5,207	5,207	7,207

G=General Funds.
M=Mass Transit Account, Highway Trust Fund.
H=Highway Account, Highway Trust Fund.

[1] Combined Planning, Research, Training, and Human Resources program.

Senate amendment

MASS TRANSIT ACT

[Dollars in thousands]

	Fiscal year 1991	Admin 1992	Fiscal year—				
			1992	1993	1994	1995	1996
Sources of funds:							
Sec. 3 Capital Grants:							
Trust fund	$1,200,000	NA	$535,000	$580,000	$680,000	$750,000	$835,000
General funds	213,100	0	775,000	780,000	798,600	828,900	850,400
Subtotal section 3	1,413,000	NA	1,310,000	1,360,000	1,478,600	1,578,900	1,685,400
Formula grants and other:							
Trust fund—contract	200,000	NA	1,070,500	1,220,000	1,300,000	1,450,000	1,565,000
Trust fund—appropriation	0	0	450,000	525,000	550,000	400,000	300,000
General funds	1,581,483	0	990,000	862,000	801,000	981,000	1,160,000

MASS TRANSIT ACT—Continued

[Dollars in thousands]

	Fiscal year 1991	Admin 1992	Fiscal year—				
			1992	1993	1994	1995	1996
Subtotal formula and other	1,781,483	NA	2,510,500	2,607,000	2,651,000	2,831,500	3,025,000
All Grants:							
Trust fund—contract	1,400,000	$350,000	1,605,500	1,800,000	1,980,000	2,200,000	2,400,000
Trust fund—Appropriation	0	2,899,499	450,000	525,000	550,000	400,000	300,000
General funds	1,794,583	0	1,765,000	1,642,000	1,599,600	1,810,400	2,010,400
Total FTA funds	3,194,583	3,249,499	3,820,500	3,967,000	4,129,600	4,410,400	4,710,400
Use of funds:							
Sec. 3 capital grants:							
Rail modernization	455,000	(Sec. 9)	524,000	544,000	591,440	631,560	674,160
New starts	440,000	300,000	524,000	544,000	591,440	631,560	674,160
Bus	220,000	(Sec. 9)	262,000	272,000	295,720	315,780	337,080
ADA and clean air	0	50,000	0	0	0	0	0
Subtotal sec. 3	1,115,000	350,000	1,310,000	1,360,000	1,478,600	1,578,900	1,685,400
Formula grants: Section 9 and 9B							
Rail modernization	(sec. 3)	600,000	(sec. 3)	(sec. 3)	(sec. 3)	(sec. 3)	(sec. 3)
Bus	1,156,427	1,446,106	1,330,032	1,382,219	1,507,265	1,610,313	1,720,820
Fixed guideway	578,214	419,802	665,016	691,109	753,633	805,157	860,410
Subtotal section 9 and 9B	1,734,641	2,465,908	1,995,048	2,073,328	2,260,898	2,415,470	2,581,230
Sec. 16(b) elderly/handicapped	35,000	45,000	58,508	60,705	63,144	67,356	71,856
Sec. 18 rural	65,359	89,000	127,343	132,340	144,313	154,179	164,759
Subtotal formula	1,835,000	2,599,908	2,180,899	2,266,374	2,468,355	2,637,005	2,817,845
Planning and research:							
MPOs	45,000	(state)	52,657	54,635	56,830	60,620	64,670
State program		62,151	11,702	12,141	12,629	13,471	14,371
Transit cooperative		(state)	11,702	12,141	12,629	13,471	14,371
National program	8,000	31,075	35,105	36,423	37,886	40,414	43,114
University centers	5,000	6,000	5,000	5,000	5,000	5,000	5,000
Rural: RTAP	5,000	(TP&R)	5,851	6,071	6,314	6,736	7,186
Administrative Expenses	32,583	40,365	47,586	49,373	51,357	54,783	58,443
Interstate transfer	149,000	160,000	160,000	164,843	0	0	0
Total FTA program	3,194,583	3,249,499	3,820,500	3,967,000	4,129,600	4,410,400	4,710,400

Conference substitute

	1992	1993	1994	1995	1996	1997
Transit account	1.90	2.88	2.98	2.88	2.78	4.80
General funds	1.75	2.36	2.15	2.25	2.35	2.45
Total	3.65	5.24	5.13	5.13	5.13	7.25
Capital grants	1.35	2.03	1.98	1.98	1.98	3.18
Formula grants	1.91	2.61	2.67	2.67	2.67	3.43
Rural	0.06	0.15	0.16	0.16	0.16	0.20
All other	0.33	0.45	0.32	0.32	0.32	0.44

TITLE IV—MOTOR CARRIER ACT OF 1991

House bill

SECTION 401, SHORT TITLE

This title may be cited as the "Motor Carrier Act of 1991".

Senate amendment

This part may be cited as the Motor Carrier Safety Assistance Program Reauthorization Act of 1991.

Conference substitute

Retains the House title.

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM AMENDMENTS

House bill

Amends section 402 of the Surface Transportation Assistance Act of 1982. The principal changes affect the purposes and goals of the program and the plan that must be submitted by the states participating in the program.

Subsection (a) permits new activities to be initiated in this program. It further provides that state plans must ensure that these new activities will not diminish other aspects of the program. In addition, subsection (a) requires the plan to ensure that fines imposed and collected will be reasonable and appropriate, and that the program will be coordinated with the state highway safety plan under section 402 of Title 23 of the United States Code.

Subsection (b) requires that the states initiating these new efforts must maintain current support for their programs for enforcement of size and weight laws, controlled substance laws and traffic law enforcement laws.

Subsection (c) amends the program to allow states to begin certain new activities and to incorporate these activities into their respective programs. States may incorporate motor vehicle size and weight enforcement, controlled substance interdiction activities, and enforcement of state traffic laws. The size and weight enforcement activities under this program must be directed at weighing vehicles at other than fixed-site weighing stations. The activities can include weighing activities at seaports and at locations such as steep grades or mountainous terrains where weight may cause more acute safety problems. These activities can be carried out only in conjunction with principal activity of this program; namely, roadside safety inspections.

Subsection (d) establishes funding levels for the Motor Carrier Safety Assistance Program established under section 404 of the Surface Transportation Assistance Act of 1982. The levels are $65 million for fiscal year 1992, $80 million for fiscal year 1993, and $100 million per fiscal year for fiscal years 1994, 1995, and 1996.

Subsection (e) provides that grants made under the program will be available to the states for three years, rather than for one year.

Subsection (f) provides that funds made available for this program are now available until expended.

Subsection (g) provides that the Secretary may use one percent rather than one-half of one percent for administrative purposes.

Subsection (h) provides earmarking of funds for training roadside inspectors in the hazardous materials regulations, for making grants to states to adopt uniform accident reporting forms for truck and bus accidents, for research, for essential administrative functions, for public education, and for several specified reports.

Subsection (i) authorizes appropriations for carrying out the motor carrier safety functions of the Federal Highway Administration.

Subsection (j) lists a number of reports which the Secretary is required to make. The reports are to be funded at $150,000.00 per year for fiscal years 1992 and 1993.

Senate amendment

This section amends Chapter 4 of title 23 of the U.S. Code by adding a new section 411. Subsection (a) of this new section authorizes the Secretary to make grants to eligible States for the enforcement of Federal or compatible State commercial motor vehicle safety rules, regulations, standards, and orders, as well as State and local traffic safety laws and regulations.

Subsection (b) of this new section requires the Secretary to formulate procedures for a State to use when submitting its annual Motor Carrier Assistance Program plan. This section requires States to adopt and assume responsibility for enforcing Federal motor carrier safety rules, regulations, standards, and orders, including vehicle size and weight requirements and commercial motor vehicle alcohol and controlled substances awareness and enforcement (including interdiction of illegal shipments), or compatible State rules in these areas. This new section provides the Secretary with discretion to approve State plans which designate a lead State agency responsible for administering the plan, ensure qualified personnel and adequate funds to administer the plan, provide a right of entry and inspection and that the State will grant maximum reciprocity for inspections conducted pursuant to the North American inspection standard, provide for the adoption of uniform reporting requirements and use of uniform recordkeeping and inspection forms, ensure participation in databases on drivers, vehicle inspections, and driver compliance with traffic safety laws and regulations, and ensure that size and weight inspection activities will not diminish other safety initiatives. Additionally, this new section requires that a State plan give satisfactory assurances that the State would conduct effective activities in the area of drug and alcohol enforcement, provide training to Motor Carrier Assistance Program officials and employees in drug recognition techniques, promote Commercial Drivers' License enforcement, ensure adequate enforcement of traffic safety, improve the enforcement of hazardous materials transportation regulations by encouraging more inspections of shipper facilities and vehicle loads, promote drug interdiction activities, and attempt to ensure that fines imposed and collected by the State will be reasonable and that the State will seek to implement the recommended fine schedule published by the Commercial Vehicle Safety Alliance.

In the areas of commecial motor vehicle safety and drug and weight enforcement, this new section specifies that a State maintain an average of the expenditures for the last three years, exclusive of Federal funds or State matching funds, in order to receive Program funds for these purposes. If a State chooses to use Program funds for weight enforcement, a State must couple that enforcement with a safety inspection and conduct enforcement at locations other than fixed-weight facilities, such as at specific geographic locations, or on containers being loaded or unloaded at seaports.

Each fiscal year, this new section allows the Secretary to deduct up to 1.25 percent of the funds available for the administration of the Program, of which 75 percent is to be used for the training of non-Federal employees and development of training material. In order for this plan to be approved, a State must maintain a level of motor carrier safety expenditures which does not fall below an average of the previous 3 fiscal years, exclusive of Federal funds and State matching funds required to receive Federal funds. Funds made available to a State are to remain available for the fiscal year in which they were allocated and one succeeding fiscal year. If not expended by a State during those 2 years, the Secretary is to reallocate these funds. This section provides funding for the Motor Carrier Assistance Program at levels not to exceed $70 million in fiscal year 1993, $75 million in fiscal year 1994, $80 million in fiscal year 1995, and $85 million in fiscal year 1996.

Funding is increased to take into account inflationary costs that will raise the cost of the Program's current inspection and audit work. In addition, the new section's funding level recognizes the need for increased traffic-related enforcement efforts (not less than $7.5 million to be spent for this purpose annually, beginning in fiscal year 1993). The new section requires that each of the States should use Program funds to improve their existing traffic safety enforcement programs affecting operators of commercial motor vehicles, and therefore, each of the States should receive an appropriate portion of the earmarked funds.

Finally, section 2(b) of the bill amends the existing Motor Carrier Assistance Program provisions of the Surface Transportation Assistance Act of 1982. Under that amendment, funding of $65,000,000 is allocated for fiscal year 1982 and is not subject to the new State plan requirements. A State may, however, resubmit its fiscal year 1992 State enforcement plans and seek reimbursement for any of the new activities required in fiscal year 1993.

Conference substitute

The Conference substitute on the funding levels for the Motor Carrier Safety Assistance Program established under Section 404 of the Surface Transportation Assistance Act are $65 million for fiscal year 1992, $76 million for fiscal year 1993, $80 million for fiscal year 1994, $83 million for fiscal year 1995, $85 million for fiscal year 1996, and $90 million for fiscal year 1997.

The substitute retained the general structure of the House bill. The substitute permits new activities to be initiated in this program. It further provides that state plans must ensure that these new activities will not diminish other aspects of the program. In addition, subsection (a) requires the plan to ensure that fines imposed and collected will be reasonable and appropriate, that the program will be coordinated with the state highway safety plan under section 402 of Title 23 of the United States Code, and that the 48 contiguous states participate in SAFETYNET by January 1, 1994.

The substitute allows states to begin certain new discretionary activities and to incorporate these activities into their respective programs. States may incorporate motor vehicle size and weight enforcement, controlled substance interdiction activities, and enforcement of state traffic laws. The size and weight enforcement activities under this program must be directed at weighing vehicles at other than fixed-site weighing stations. The activities can include weighing activities at seaports and at locations such as steep grades or mountainous terrains where weight may cause more acute safety problems. These activities can be carried out only in conjunction with principal activity of this program; namely roadside safety inspections.

The substitute requires that the states initiating these new efforts must maintain current support for their programs for enforcement of size and weight laws, controlled substance laws and traffic law enforcement.

The substitute retains slightly altered House provision on the commercial motor vehicle information system, the truck and bus accident data grant program and the common carriers providing transportation for charitable purposes. It also incorporates amended language on the provisions in the Senate bill dealing with research and development, public education, and the new allocation formula. The Senate provisions on violations of out-of-service orders, intrastate compatibility, and FHWA positions are incorporated into the Conference Substitute.

The conferees expect that local governments receiving motor carrier assistance program funds from the States will continue their existing motor carrier safety and combined motor carrier safety and associated traffic enforcement efforts and use MCSAP funds to supplement their existing efforts.

COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM

House bill

Section 403 amends Part A of title IV of the Surface Transportation Assistance Act of 1982 by adding a new section 407.

New subsection 407(a) empowers the Secretary to review state motor vehicle registration systems for license tags in order to determine if such systems could be utilized in establishing a Commercial Motor Vehicle Information System. The system established by the Secretary should be designed to link state registration systems to the Department of Transportation's Safetynet System which contains essential data on the safety fitness of interstate motor carriers. The system is to be maintained by user fees.

The Commercial Motor Vehicle Information System could be operated by the Secretary, by a state or states, or a third party. Uniform data collection and resporting by all states would be required.

New subsection 407(b) provides that as part of the development of this program, the Secretary is empowered to carry out a pilot project with states in order to determine how to provide the needed linkage of the relevant systems and to determine types of sanctions which might be imposed on registrants to ensure safety compliance.

New subsection 407(c) authorizes the Secretary to issue regulations to implement this section.

New subsection 407(d) provides the funding necessary to carry out this section as provided in section 404(g)(2) of this title. The Secretary is provided $2 million per fiscal year for fiscal years 1992–1996 for carrying out the pilot project. The money is from the Motor Carrier Safety Assistance Program.

New subsection 407(e) defines a commercial motor vehicle for the purpose of this section.

Senate amendment

No comparable provision.

Conference substitute

The House bill, with one additional provision. The provision is that the Secretary of the Department of Transportation should prepare and submit a report assessing the costs, benefits, and feasibility of such a system. The report should include legislative recommendations on the nationwide implementation of such system, if the Secretary finds that such a nationwide system would be beneficial.

TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM

House bill

Section 404 amends Part A of title IV of the Surface Transportation Assistance Act of 1982 by adding a new section 408.

New subsection 408(a) authorizes the Secretary to make grants to states to assist them in adopting and implementing uniform reporting of accident data for trucks and buses.

New subsection 408(b) provides that grants may be made for assisting states in designing appropriate forms, in preparing instruction manuals, in training state and local officers, and for such other activities as are determined to be appropriate.

New subsection 408(c) requires the Secretary to coordinate grants made under this section with the highway safety programs under section 402 of title 23 U.S.C.

Under new subsection 408(d), the Secretary is authorized to make grants of up to $3 million per year for fiscal years 1993 through 1996.

Senate amendment

No comparable provision.

Conference substitute

The House bill, with several changes. The funding level is changed to $2 million per fiscal year for fiscal years 1993 through 1997. Another change adds training language pertaining to accident investigation techniques. Finally, it permits grant money to be used for analyzing and evaluating safety data.

SINGLE STATE REGISTRATION SYSTEM

House bill

Amends section 11506 of title 49 U.S.C.

Subsection 406(a) provides that effective January 1, 1994 states are prohibited from requiring motor carriers regulated by the Interstate Commerce Commission to file certificates or permits with the states in which they operate. It further eliminates the requirements for displaying a decal to indicate the possession of such a permit or certificate or the collection of a fee for such registration or decals.

States may continue the practice of requiring motor carriers to file and maintain proof of insurance.

Subsection 406(b) authorizes the Secretary to make grants to states to offset revenues lost as a result of subsection (a). A state is eligible if it had imposed and collected fees in 1991. The funding is established at $50 million for fiscal year 1994. Reimbursement is for one year only.

Senate amendment

No comparable provision.

Conference substitute

Section 405 repeals, effective January 1, 1994, the "bingo stamp" program authorized by Congress in 1965 through enactment of P.L. 89-170. The bingo stamp program allowed states to require interstate carriers to register their interstate operating authority with the state and charge a fee for doing so. The interstate carrier then received identification or "bingo" stamps from the state. Currently, 39 states require interstate carriers to carry such a stamp in the cab of each commercial motor vehicle operating within its borders.

The bingo stamp program authorized by P.L. 89-170 has been characterized as inefficient and has been an administrative burden on the trucking industry and the states. The trucking industry estimates that the program costs interstate carriers up to $250 million per year. Meanwhile, the 39 participating states collect only about $50 million under the program. The repeal of the bingo stamp program under Section 405 is intended to benefit the interstate carriers by eliminating unnecessary compliance burdens. It is the hope of the Conferees that, ultimately, consumers will also benefit from the cost savings associated with the elimination of the bingo program.

In order to preserve revenues for the states which had participated in the bingo program, Section 405 establishes a new annual fee system enabling such states to continue to collect funds from interstate motor carriers. The fee is based upon the carrier's filing of proof of required liability insurance. Fee revenues under this system must be collected through a streamlined administrative process established by Section 406 known as the "single state" or "base state" registration system. Under the single state registration system, a carrier will pay its annual fees to a single state (its base state) and that state will distribute the collections to other participating states in which the carrier's vehicles operate. This system is to be instituted by the Interstate Commerce Commission, in consultation with the participating states and the trucking industry, in such a manner as to eliminate as much of the paperwork and other compliance burdens as possible. Section 405 specifies that the only evidence of payment or other identification a vehicle must carry under this system is a copy of the receipt given the carrier by the base state.

States which did not collect bingo stamp fees under the former program will not be able to collect the new fees authorized by Section 405. Additionally, states must participate in the base state program in order to collect the fees authorized by Section 405. States are expressly prohibited from charging a fee for the registration of a carrier's interstate operating authority or for any other filings which may be required under Section 405.

The new fee system is to be based upon the number of vehicles which a carrier operates in a state and the number of states in which that carrier operates. States will not be allowed to charge a greater fee under Section 405 than the fee they charged under the former program as of November 15, 1991. The fee cannot exceed $10 per vehicle under any circumstances.

The Conference version of Section 405 does not authorize any funds to be distributed to the states from the Highway Trust Fund.

VEHICLE LENGTH LIMITATION

House bill

Section 407(a) amends the Surface Transportation Assistance Act of 1982 by adding a new subsection (j) to section 411.

New subsection (j)(1) prohibits a state from allowing operation of any commercial motor vehicle combination with two or more cargo carrying units (not including the truck tractor) which units as measured from the front of the first cargo carrying unit to the rear of the last carrying unit are a total length greater than were authorized by state statute or regulation and were being lawfully operated on or before June 1, 1991. The prohibition applies to the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid primary system highways as designated by the Secretary subject to subsection 411(e).

New subsection (j)(2) allows the operation of commercial motor vehicle combinations with two or more cargo carrying units (not including the truck tractor) to continue to operate on the relevant highway system if (A) the state determined on or before June 1, 1991 that such commercial motor vehicle combination could lawfully operate on such relevant system or highways pursuant to a state statute or regulation in effect on June 1, 1991; (B) the commercial motor vehicle combination was in lawful operation on a regular or periodic basis (including seasonal operation or operation pursuant to a permit issued by the state) on the relevant system or highways on or before June 1, 1991; and (C) if all operations of such commercial motor vehicle combinations on such relevant system and highways continue to be subject to, at a minimum, all state statutes, regulations, limitations and conditions (including routing-specific and configuration specific designations and all other restrictions) in effect on June 1, 1991; except that, subject to guidelines established by the Secretary, the state may make minor adjustments to route-specific designations and vehicle operation restrictions for safety purposes and for road construction purposes.

New subsection (j)(3) provides that in addition to the vehicles which may continue to operate in the State of Wyoming under (j)(2), such State may allow commercial motor vehicle combinations not in actual use on June 1, 1991 on the relevant system and highways by enactment of a State law on or before November 3, 1992. The State must notify the Secretary of enactment of such State law within 30 days and the Secretary must publish notice of the enactment of such law in the Federal Register.

New subsection (j)(4) provides that states may further restrict or prohibit vehicles covered by this provision, however, any such restriction or prohibition must be consistent with sections 412 and 416 of this Act. Any such changes must be submitted to the Secretary. Such change must be published in the Federal Register by the Secretary.

New subsection (j)(5) requires that within 90 days after the effective date of this subsection (October 1, 1991) states must complete and file in writing with the Secretary a complete list of all state statutes, regulations, limitations and conditions governing the operation of these types of vehicles.

If the state fails to file within the specified time, the Secretary is given the authority to complete and file the list for the state.

The state is further required to certify in writing that the state had determined pursuant to a state statute or regulation in effect on June 1, 1991 that such commercial motor vehicle combinations could lawfully be operated on such relevant system and highways, and such combinations were in operation on a regular or periodic basis on such system and highways on or before June 1, 1991.

The Secretary is required to publish the list in the Federal Register. After publication the Secretary is required to review the certifications and may commence a proceeding, on the Secretary's own initiative or pursuant to a challenge by any person, to determine whether or not the state's certification is inaccurate. The state has the burden of proof.

If the Secretary determines the certification is inaccurate, the Secretary is required to amend the list published in the Federal Register.

This subsection also provides that no state statute or regulation shall be included on the list published by the Secretary merely on the grounds that it is authorized, or could have authorized, by permit or otherwise, the operation of commerical motor vehicle combinations not in actual operation on a regular or periodic basis on or before June 1, 1991.

This subsection further provides the lists published in the Federal Register shall become final on the 30th day after publication, with the exception of adjustments made pursuant to paragraphs 2(C), (3), and (4) and subparagraph (D) of paragraph 5.

New subsection (j)(6) requires the Secretary to issue regulations establishing guidelines for states to follow in making minor adjustments for safety or road construction purposes.

New subsection (j)(7) provides that nothing in this subsection should be construed to allow operation on the relevant system or highways of any commercial motor vehicle prohibited under section 127(d) of title 23, U.S.C., or to affect in any way the operation of commercial motor vehicles having only cargo carrying unit.

New subsection (j)(8) defines cargo carrying unit.

Subsection 407(b) amends section 411(a) to include buses having lengths of 45 feet. States must allow buses of up to 45 feet to utilize the Interstate System and those classes of Federal-aid Primary System highways as designated by the Secretary pursuant to section 411(e). It also includes these vehicles in the access provisions of subsection 412(a).

Senate amendment

The Senate Amendment contains a similar length limitation. A state is prohibited from allowing the operation on the National System of Interstate and Defense Highways and designated Federal-aid Primary highways of any commercial motor vehicle combination with two or more cargo carrying units whose cargo units exceed the maximum state length limitation authorized by state law on or before June 1, 1991, or were not in actual continuing lawful operation in the state on or before June 1, 1991.

A state would not be prevented from further restricting commercial motor vehicle combinations consistent with parameters of current law. If a state further restricted the operations of commercial motor vehicle combinations, it would be required to so advise the Secretary within 30 days and the Secretary would publish a notice of the state's action in the Federal Register.

Combinations of commercial motor vehicles could continue to operate if such vehicles were in actual, continuing operation (including continuing seasonal operation) in that state on or before June 1, 1991, and were authorized pursuant to state law.

The provisions on the preparation of the list of state length limits differs under the Senate Amendment. Specifically, the Secretary would determine and publish within 60 days of enactment the list of applicable state length limitations as of June 1, 1991. The list would become final within 60 days after publication.

The Senate Amendment has no comparable provisions on length of buses as contained in the House bill.

Conference substitute

The Conference Agreement includes the length limitation for commercial motor vehicles as provided by both House and Senate versions. No state can allow by state law or any other means the operation on the National System of Interstate and Defense Highways and designated classes of qualifying Federal-aid primary system highways of any commercial motor vehicle combinations with two or more cargo carrying units whose cargo units exceed the length limitations authorized by state law on or before June 1, 1991, or whose cargo carrying units by specific configuration were not in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in the state on or before June 1, 1991. States could further restrict the operation of commercial motor vehicle combinations consistent with the parameters of current law. A state making such further restrictions must advise the Secretary within 30 days and the Secretary is required to publish notice of such action.

Limited narrow transitional rules for determining the applicable date of state law length limitations are included for the States of Wyoming and Alaska. In addition, a limited narrow exception is included for a 1-mile segment on Ohio State Route 7.

The Conference Agreement length limitation contains a narrow exception for nondivisible vehicles and loads which have been issued special permits under state law. The Secretary is required to define by regulation nondivisible loads for purposes of this exception. The types of nondivisible loads envisioned by this provision are long loads, e.g., missiles or bridge section on two or more connected flat bed trucks. The Secretary should interpret this exception so as to ensure that no state allows any genuine divisible load to operate contrary to the length limit freeze. Permits issued under this provision shall be on a temporary and exceptional basis. This provision is more narrow than the House bill's original exception for special permits under state law. The Senate Amendment did not contain an express provision on special permits under state law.

The Conference Agreement also contains a modified and more narrow version of the House provision which allowed a state to make minor adjustments to routing-specific and vehicle operation restrictions in effect on June 1, 1991, for safety purposes and road construction. The Senate Amendment did not contain a similar provision. Under the Conference Agreement, a state can only make minor adjustments to route designations and vehicle operating restrictions if the minor adjustments are of a temporary and emergency nature. In addition, such adjustments would have to be for specific situations made necessary by safety purposes and road construction. The Secretary is required to issue regulations establishing criteria for states to follow in making such minor adjustments. Any state making such minor adjustments is required to notify the Secretary within 30 days. The Secretary is required to publish notice of such action.

Preparation of the list of state length limitations under the conference agreement proceeds in the following manner: Within 60 days of the date of enactment, each state is required to submit to the Secretary a complete list of its length limits under state law. This initial list is considered an interim list. No state statute or regulation is to be included on the list submitted by a state merely because it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in actual operation on a regular or periodic basis on or before June 1, 1991.

Not later than 90 days after enactment, the Secretary is required to publish the interim list in the Federal Register. The Secretary is required to review the list for accuracy and also solicit public comment on the accuracy of the information in the interim list. Not later than 180 days after enactment, the Secretary is required to publish a final list after making any revisions to correct inaccuracies. After publication of the final list, commercial motor vehicle combinations with two or more cargo carrying units may not operate on the National System of Interstate and Defense Highways and designated Federal-aid primary system highways except as published on the list. A procedure is provided for the Secretary to correct any inadvertent mistakes which may later be discovered on the list.

In addition, the Conference Agreement includes the provisions in the House bill requiring states to allow passenger buses of up to 45 feet to utilize the Interstate System and designated classes of Federal-aid Primary System highways and related House language to include passenger buses within the access provisions of subsection 412(a).

LONGER COMBINATION VEHICLE REGULATIONS, STUDIES AND TESTING

House bill

Provides that the Secretary must begin and complete a rulemaking to establish minimum training requirements for operators of longer combination vehicles. A final rule is required two years after October 1, 1991.

New subsection 408(b) provides for a safety study on longer combination vehicles. The report on the study is due two years after October 1, 1991.

New subsection 408(c) requires the Secretary to study the effects on drivers, including driver fatigue, of driving longer combination vehicles. The report is due two years after October 1, 1991.

New subsection 408(b) directs the Secretary to conduct tests on the operation of longer combination vehicles in order to determine whether any modifications to the Federal safety regulations are needed for longer combination vehicles. The Federal safety regulations to be addressed are those contained in Subchapter B of Chapter III of Title 49 of the Code of Federal Regulations. The report is due 3 years after October 1, 1991.

New subsection 408(e) provides $1,000,000 a year out of the Highway Trust Fund for FY 1992-1996 for the Secretary to carry out this section.

New subsection 408(f) defines longer combination vehicles for purposes of this section.

Senate amendment

No comparable provision.

Conference substitute

The conference agreement includes the House (previously section 402 of the House bill) and Senate (previously section 241 of the Senate bill) requirement of a report by the Secretary of Transportation to Congress on the effectiveness of efforts of the private sector to ensure adequate training of entry-level drivers. The due date of the report has been changed to 12 months, with an additional requirement that a rulemaking by the Secretary on the need to require training of all entry-level drivers of commercial motor vehicles be completed not later than 24 months after the date of the enactment. If the Secretary determines that it is not in the public interest to require a rule that requires training for all entry-level drivers, a report on the reasons for such decision is required not later than 25 months after enactment.

The House bill language on the rulemaking to establish training requirements for operators of longer combination vehicles, the safety study and report on longer combination vehicles and the testing of the operations of these vehicles has been included, with several changes. The rulemaking on longer combination training requirements is due within 24 months of enactment of the Act.

The scope of the safety study is expanded to require an assessment of the adequacy of currently available data bases for the purpose of determining the safety of longer combination vehicles and recommendations for safety improvements. The economic and safety impact of these vehicles on shared highways also is to be a component of the study.

The safety report is due 2 years after the date of enactment. The testing language was expanded to include the study of fatigue with a focus on examination of driver stress, and characteristics of longer combination vehicles, including an assessment of on-board computers, anti-lock brakes, and anti-trailer under-ride systems to determine the potential safety effectiveness of those technologies as applied to such vehicles. This report is due not later than 3 years after the date of enactment of this Act. The funding of $1,000,000 to carry out this section remains unchanged.

The title of the section is changed to "Training of Drivers; Longer Combination Vehicle Regulations, Studies, and Testing".

PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT

House bill

The House bill provides that after September 30, 1996, no State except those participating in the International Registration Plan, shall establish, maintain, or enforce any commercial motor vehicle registration law, regulation, or agreement which limits the operation of any commercial motor vehicle within its borders which is not registered under the laws of that state if the commercial motor vehicle is registered under the laws of a state that is a participant in the Plan.

The House bill further provides that after September 30, 1998, no State shall establish, maintain, or enforce any law or regulation which has fuel use tax reporting requirements (including tax reporting forms) which are not in conformity with the International Fuel Tax Agreement.

The House bill establishes a working group to establish procedures for resolving disputes among states participating in the Plan and the agreement and for providing technical assistance. It will be comprised of state and local officials, representatives from the National Governor's Association, the American Association of Motor Vehicle Administrator's and the National Conference of State Legislatures, the Federation of Tax Administrators, and the Board of

Directors for the International Fuel Tax Administrators. The bill further provides $1 million per fiscal year for activities of the working group and $5 million per fiscal year for grants to states to facilitate participation in the Plan and Agreement.

Senate amendment

No comparable provision.

Conference substitute

The Conference substitute retains the House bill, but changes the preemption date for the International Fuel Tax Agreement from September 30, 1998 to September 30, 1996. It also allows for the continuation of the Regional Fuel Tax Agreement currently in effect in Maine, New Hampshire, and Vermont.

However, nothing in this section should be construed as Congressional authorization for the charging of fees for decals and other markings by RFTA members or as insulating RFTA from court challenge based on the constitutionality of the RFTA system. This statute is silent on those issues and does not disturb the status quo.

Grant funding available for the purpose of facilitating participation in IRP and IFTA may also be extended to those states participating in RFTA for purposes of technical assistance, personnel training, travel reimbursement, and technology and equipment associated with their participation in RFTA. Improvements to the fuel use tax administration in RFTA states benefit the motor carrier industry as well.

Violations of Out-of-Services Orders

House bill

No provision.

Senate amendment

The Senate amendment imposes new penalties and disqualifications for operators of commerical motor vehicles for violating out-of-service orders. Penalties are also imposed upon employers that allow or require an operator to violate such orders.

Conference substitute

Senate Amendment.

BRAKE PERFORMANCE STANDARDS

House bill

No provision.

Senate amendment

The Senate provision required the Department of Transportation to conduct a rulemaking on methods for improved braking performance for commerical motor vehicles. The required rulemaking would be comprehensive, addressing basic brake problems, such as the compatibility between tractor brakes and trailer brakes, methods of ensuring effective brake timing, and antilock braking systems. The Senate provision required such rulemaking to be initiated by July 1, 1991 and completed by April 1, 1992. Antilock brakes have been required on heavy trucks and buses in Europe since October 1, 1990 and will be required in Japan before the end of this year.

Conference substitute

Section 412 requires the Department of Transportation to initiate a rulemaking proceeding concerning methods for improving the braking performance of newly manufactured commerical motor vehicles with a gross vehicle weight of 26,001 or more pounds. This rulemaking is required to be initiated by May 31, 1992 and completed within 18 months after initiation unless the Secretary determines that a six month extension is necessary. The rulemaking proceeding must include an examination of antilock systems, means of improving brake compatibility and methods of ensuring effectiveness of brake timing.

The Conferees note that a critical component of rulemaking on truck brake performance is the issue of stopping-distance performance. On October 21, 1991 NHTSA published a notice in the Federal Register, Vol. 56. No. 203 indicating:

> Accidents involving heavy trucks have a disproportionate (higher) fatality rate than all other motor vehicles. This [planned] rulemaking proposes to reinstate stopping distance performance requirements in Standard 121 so as to help improve heavy vehicle braking performance and hence reduce the number of accidents involving these vehicles. Although a court decision found that Standard 121, as it then existed was unenforceable, additional accident data and technical review have persuaded NHTSA that the court's requirement can now be met.

NHTSA goes on to indicate that it intends to issue a notice of proposed rulemaking on stopping distance in October, 1991. Thus, the Conferees expect that the rulemaking in question under this section as it relates to stopping distance will be initiated through a NPRM rather than an ANPRM.

FEDERAL HIGHWAY ADMINISTRATION POSITIONS

House bill

No provision.

Senate amendment

The Senate amendment provides for two new positions as the Federal Highway Administration. The new personnel will be used to implement this Title.

Conference substitute

Senate Amendment.

COMPLIANCE REVIEW PRIORITY

House bill

No provision.

Senate amendment

The Senate amendment provides that the Secretary shall give priority to compliance safety reviews for motor carriers that have drivers who are found to have a pattern of violations of safety laws.

Conference substitute

Senate Amendment.

TRANSPORTATION DRUG AND ALCOHOL TESTING

House bill

No provision.

Senate amendment

The Senate bill provides a requirement for drug and alcohol testing of transportation workers in the aviation, railroad, motor carrier and mass transportation industries.

Conference substitute

Senate recedes to House. Sections 263 through 266 in Part C of S. 1204 would require drug and alcohol testing of transportation workers in the aviation, railroad, motor carrier and mass transportation industries. Identical provisions were signed into law on October 29, 1991, as a part of the Fiscal Year 1992 Department of Transportation Appropriations Conference Report (Public Law 102-143).

ENFORCEMENT OF BLOOD ALCOHOL CONCENTRATION LIMITS

House bill

No provision.

Senate amendment

The Senate amendment requires the Department of Transportation to initiate, within 3 months of the bill's enactment, and complete, within 12 months after enactment, a model program to enforce the .04 percent maximum blood alcohol concentration standard for commercial drivers which was established by the Department as required under the Commercial Motor Vehicle Safety Act of 1989.

Conference substitute

Senate recedes to House.

NEW FORMULA FOR ALLOCATION OF FUNDS

House bill

No provision.

Senate amendment

The Senate amendment requires certain modification of the allocation formula for the Motor Carrier Safety Assistance Program. It provides incentives based upon certain factors.

Conference substitute

The Senate amendment with language adding special language for states that conduct the discretionary traffic safety enforcement activities as provided for in Title IV.

RESEARCH, DEVELOPMENT, DEMONSTRATIONS AND TRAINING MANUALS

House bill

Section 405 amends Part A of title IV of the Surface Transportation Assistance Act of 1982 by adding a new section 409.

New subsection 409(a) authorizes the Secretary to make grants for research and for other specified purposes that will enhance commercial motor vehicle safety. In addition, the Secretary may utilize some of the funds authorized for educating the public on the use of highways with commercial motor vehicles.

New subsection 409(b) provides that grants must be announced publicly and awarded on a competitive basis whenever practicable.

New subsection 409(c) provides that some of the funds may be used to pay for the development, publication, and distribution of training manuals and other training devices for roadside inspectors involved in the Motor Carrier Safety Assistance Program.

New subsection 409(d) earmarks money for educating the public on the use of highways with commercial motor vehicles. Note, funding for this section is contained in 402(h). That section requires the Secretary to spend at least $500,000 annually for this program, but he or she may spend up to $2 million annually for this grant program.

Senate amendment

The Senate amendment provides for the same funding levels; however, it contains separate funding for driver education and includes training and training materials funding in its deductions permitted to be made by the Secretary for administrative purposes. The Senate amendment requires that grants be made on a competitive basis. The funding is at 100 percent.

Conference agreement

The Senate amendment with a cap placed upon research grants at $500,000.00 and driver education at $350,000.00 for each fiscal year. The provision is included in Section 402.

INTRASTATE COMPATIBILITY

House bill

No provision.

Senate amendment

The Senate amendment provides for the issuance of regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws with Federal safety regulations under the Motor Carrier Safety Assistance Program.

Conference substitute

Senate Amendment.

COMMON CARRIERS PROVIDING TRANSPORTATION FOR CHARITABLE PURPOSES

House bill

New section 410 amends Section 10723(b)(2) of title 49, U.S.C. to allow for animals trained to assist blind or disabled individuals to accompany them on common carriers or to allow dogs trained to assist a hearing impaired individual to accompany the individual at a rate equal to that of one individual.

Senate amendment

No comparable provision.

Conference substitute

House Bill.

DRUG-FREE TRUCK STOPS

House bill

No provision.

Senate amendment

The Senate amendment adds to the Controlled Substances Act (21 U.S.C. 801 et seq.), after section 408, a new section 409 entitled "Transportation Safety Offenses." This new section provides that any person who violates section 401(a)(1) or section 416 of that Act by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of a truck stop or safety rest area is subject to a maximum term of imprisonment, fine, or term of supervised release for a first offense that is twice that authorized by section 401(b). A term of imprisonment under this section does not apply to offenses involving 5 grams or less of marijuana.

Additionally, this new section specifies that after a prior conviction under the new section, a person who again violates section 401(a)(1) or section 416 of the Controlled Substances Act shall be subject to the greater of (1) a term of imprisonment of not less than 3 years and not more than life imprisonment, or (2) three times the maximum punishment authorized by section 401(b) for the first offense.

New section 409 prohibits the suspension or probation of any sentence imposed under section 409. Also, an individual convicted under this section is required to serve a minimum sentence prior to being eligible for parole.

The new section uses the term "safety rest area" as it is defined in part 752 of title 23 of the Code of Federal Regulations.

Also, new section 409 requires the U.S. Sentencing Commission, to promulgate or amend sentencing guidelines for a defendant convicted of violating section 409 of the Controlled Substances Act to provide that a sentence is two levels greater than the level that would have been assigned for the underlying controlled substance offense and not less than level 26. This new section also specifies that if the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission should use the instruction in paragraph (1) to achieve a comparable result. These offenses would be subject to only one enhancement as found under the guidelines.

Conference substitute

The Senate recedes to the House based on an understanding of the Conferees that the House and Senate Conferees on the Crime bill have agreed to include a drug-free truck stop provision in the conference report on that bill.

EXEMPTION OF CUSTOM HARVESTING EQUIPMENT

House bill

No provision.

Senate amendment

The Senate amendment provides that states may waive the commercial drivers license requirement with respect to drivers of certain types of vehicles. The vehicles are those used to transport farm supplies from retail dealers to or from a farm, vehicles used for custom harvesting, and to vehicles used to transport livestock feed, whether or not such vehicles are controlled and operated by a farmer.

Conference substitute

The substitute removes custom harvesting farm machinery from the Act. Operators of such machinery are not covered by the Commercial Motor Vehicles Safety Act of 1986. A state, however, may still impose a requirement for a commercial drivers license if it so desires. The change does not apply to vehicles used to transport this type of machinery.

TITLE V—INTERMODAL TRANSPORTATION

NATIONAL GOAL TO PROMOTE INTERMODAL TRANSPORTATION

House bill

The House bill establishes as a national goal the encouragement and promotion by the Federal government of an intermodal transportation system to improve energy-efficiency, productivity growth, international competitiveness and to obtain the optimum yield from the Nation's transportation resources.

Senate amendment

No comparable provision.

Conference substitute

Same as the House provision.

The fundamental transportation challenge facing the Nation today is the development of an intermodal transportation system that will accelerate, expedite, enhance and improve the movement of people and goods in an energy-efficient manner. Audacious and bold new approaches are need if the nation is to transform the existing separate, balkanized transportation systems into a single, coordinated unit that will provide the foundation for the nation to confront the realities of the 1990s and the 21st century.

An intermodal transportation system—the use of connections between, and improved access to, different forms of transportation to enhance efficiency—will be the key to meeting the economic, energy and environmental challenges of the coming decades. The nation will not be able to meet all of those demands through continued reliance on separate, isolated modes of transportation.

Development of an intermodal transportation system will result in the increased productivity growth the nation needs to compete in the global economy of the 21st century. We can no longer rely on a transportation system designed for the 1950s to provide the support for American industry to compete in the international marketplace.

Since 1973, real wages and the American standard of living have been declining. Transportation advances using new innovative technology as well as better use of our existing transportation systems are essential to reversing this decline in the quality of life.

An intermodal transportation system will provide the means to confront the nation's energy vulnerability. With fully 63 percent of our oil resources devoted to transportation, two-thirds to automobiles, a transportation policy is an energy policy. Events in the Persian Gulf in 1990 and 1991 have shown that the nation can no longer afford to rely on volatile and insecure nations for our oil supply. If the nation is to reduce its dependence on foreign oil sources, reduced use of oil for transportation is required.

The Clean Air Act Amendments of 1990 made air pollution policy an overriding factor in transportation policy. The centerpiece of the plan to reduce air pollution is transportation control measures, many of which focus on reduced Vehicle Miles Traveled (VMT). States and Metropolitan Planning Organizations must develop Transportation Improvement Programs (TIPs) that comply with State Implementation Plans (SIPs) under the Clean Air Act Amendments.

DUTIES OF SECRETARY; OFFICE OF INTERMODALISM

House bill

The House bill creates as a duty of the Secretary of Transportation the coordination of Federal intermodal transportation policy and the initiation of policies to promote efficient intermodal transportation.

To carry out the intermodal responsibilities of the Secretary, an Office of Intermodalism is established within the Department of Transportation to be headed by a Director who must be appointed within six months of the date of enactment.

The Director is required to develop an intermodal transportation data base in coordination with states and metropolitan planning organizations. The compilation of such data, especially along state and regional lines, is crucial to the development of an efficient transportation system. The data base is to include information on the movement of people and goods by intermodal transportation, patterns of movements by intermodal transportation, and information on public and private investment in intermodal transportation facilities and services.

The Director must coordinate Federal research on intermodal transportation and must provide technical assistance to state and metropolitan planning organizations in urban areas with populations of 1 million or more to facilitate collection of data on intermodal transportation.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute adopts the House provision except that the Office of Intermodalism is created within the Office of the Secretary. The Director is required to collect, maintain and disseminate intermodal transportation data through the new Bureau of Transportation Statistics.

In addition, it creates an Intermodal Transportation Advisory Board consisting of the Secretary as Chairman and the administrators of the Federal Highway Administration, the Federal Aviation Administration, the Maritime Administration, the Federal Railroad Administration and the Federal Transit Administration to provide recommendations for furthering the implementation of intermodalism.

An intermodal transportation system is vitally needed to meet the economic realities of the 1990s. The American economy is no longer a separate entity but part of the larger global economy. New methods of shipment of goods and advanced marketing techniques, such as "just-in-time" deliveries, have replaced the outdated warehouse. Fully one-third of the nation's economic activity involves international commerce which is projected to be one-half of the economy in the next 10 to 15 years.

In 1989, 973 million short tons of cargo, worth $438 billion, moved through our nation's ports—an increase of 30 percent in the last half of the 1980s alone. The virtual explosion of trade with the Pacific Rim nations has produced unprecedented growth at many West Coast ports and the development of the "mini-land bridge" to bring imported Asian products to the Midwest and East Coast. East Coast ports are projecting similar substantive growth as a result of Europe 1992.

Air cargo shipments, now being referred to as "flying warehouses," grew by more than 10 percent annually during much of the 1980s. In less than a decade, air cargo tonnage at Newark International Airport, John F. Kennedy International Airport and LaGuardia Airport increased by 41 percent.

An intermodal transportation system is essential to move our goods expeditiously and efficiently to and from harbors and airport facilities. Without adequate landside access, first-rate airport and port facilities are wasted and the ability of U.S. industry to compete and capture our share of the global economy is seriously limited.

This title firmly establishes national intermodal transportation policy. It is intended to bring the need for intermodalism to the forefront of the nation's transportation and economic debate. It establishes the central focal point for intermodalism in the Department of Transportation where policy is currently set through separate administrators for each mode of transportation with very limited interaction and coordination.

The Office of Intermodalism will promote policies which will enhance intermodal connectivity and foster continued development of intermodal transportation systems.

The Office will create a national data base with information on flows of people and goods to and from major metropolitan areas, to indicate the mode of choice and where two or more modes are used. The Office should also maintain policy balance in the Department between transportation modes and work to ensure interconnectivity of all transportation modes.

MODEL INTERMODAL TRANSPORTATION PLANS

House bill

The House bill requires the Secretary to award grants of no more than $500,000 for the development of model state intermodal transportation plans. The grants must be awarded to a maximum of six states representing a variety of geographic regions and transportation needs, patterns and modes. States must complete the plans within 18 months of the grant award.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute contains the House provision except that the grants for model intermodal plans may be awarded to more than six states.

This title is designed to establish the essential process of developing transportation systems that will include the necessary interconnections and access to seaports, airports, urban centers and rural areas. Some regions have already started the process. In Southern California, the planned $800 million Alameda corridor to move cargo to and from the Ports of Los Angeles and Long Beach through the most efficient intermodal use of trucks and rail is an outstanding example.

SURFACE TRANSPORTATION ADMINISTRATION

House bill

The House bill directs the Secretary to enter into an agreement within 60 days of enactment with the National Academy of Public Administration to continue a study of options for organizing the Department of Transportation to increase the effectiveness of program delivery, reduce costs, and improve intermodal coordination among surface transportation-related agencies.

The Secretary must report to Congress on the findings of the study and recommend appropriate organizational changes no later than January 1, 1993. Organizational changes are prohibited unless approved by law.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute contains the House provision.

NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION

House bill

The House bill contains no provision.

Senate amendment

The Senate amendment authorizes a transportation assistance program to provide highway and transportation agencies in urbanized areas of 50,000 to 1 million population and in rural areas, access to modern highway technology.

Conference substitute

This section establishes a National Commission on Intermodal Transportation, consisting of 11 members selected to represent diversified transportation expertise on intermodalism, to develop a National Intermodal Transportation Plan with a specific agenda for implementation. The Commission is to submit the Plan and implementing agenda to Congress by September 30, 1993.

It is crucial for the development of an efficient intermodal transportation system that the Commission recognize the need for innovation through the maximum integration of transportation systems and the earliest possible application of advanced technology to increase efficiency. New approaches are needed for the economic, energy and environmental challenges of the 1990s and the 21st century to enhance the nation's leadership in the global economy.

The Commission should review the need for unified decisionmaking on transportation policy and implementation. The structure of existing modal administrations may no longer be the best means of developing transportation efficiency and advances.

In its Plan, the Commission should recognize the accelerated importance of foreign trade and international commerce to the nation's future economic growth and the finding in the 1990 Census that more than 50 percent of the nation's population now lives in metropolitan areas of more than 1 million. Both of these trends have enormous implications for future transportation policy.

It is important that the Commission pay special attention to economic productivity concerns. The intermodal research agenda should be oriented towards increasing our nation's productivity.

The Commission should focus on creating a public-private alliance to target intermodal projects that are essential to close obvious deficiencies and gaps in our transportation system.

International product standardization, both technological and administrative, is also vital to the promotion of intermodalism. The Commission should review issues such as international freight rates and customs procedures, as well as the development of standardized designs for containers and any other innovative technology to expedite and stimulate intermodal transfers of goods and people. The Commission should review innovative equipment and hub terminal designs to provide for maximum efficiency.

Intermodal use of urban terminals is especially important to make the most efficient use of space and congested transportation corridors in crowded environments. The Commission is to examine the status of intermodal transportation, identify problems, and determine the resources needed to implement policies to achieve the national goal of an efficient intermodal transportation system.

The Commission is specifically directed to investigate and study:

1. The benefits of and impediments to international intermodal standardization, in coordination with the National Academy of Science;
2. Capital investment for infrastructure development necessary to accommodate intermodal transportation, especially surface transportation access to airports and ports;
3. Legal impediments to efficient intermodal transportation, specifically regulation of individual modes of transportation;
4. Impediments to efficient financing of intermodal transportation, including the most efficient use of existing sources of funds to connect individual modes of transportation, to accommodate intermodal transfers. The Commission must address the use of innovative methods of financing, current methods of public funding and increased use of private sources of private funding;
5. New technologies and problems with incorporating new technologies in intermodal transportation;
6. Problems in documentation and the need to achieve uniform, efficient, and simplified documentation;
7. Areas for additional research and development with an agenda for carrying out the research and development program; and
8. The relationship of intermodal transportation to rates, costs and economic productivity.

The Commission will be composed of 11 members, three appointed by the President and two each by the Speaker of the House, the House Minority Leader, the Senate Majority Leader, and the Senate Minority Leader. The Commission members should include representatives of Federal, State and local governments, other public transportation authorities or agencies, transportation providers, shippers, labor, the financial community, and consumers.

The Commission is required to submit its final report to Congress by September 30, 1993.

The following projects in this title are considered by the Managers as necessary to meet the existing transportation needs of the area and are not dependent or conditioned on any future development in the area. Moreover, funds authorized to be appropriated for these projects may be interchanged so long as the Federal contribution on any one project does not exceed 80 percent.

Long Beach, California—Interchange at Terminal Island Freeway and Ocean Boulevard.

Wilmington/Los Angeles, California—Widening of Anaheim Street Viaduct.

Wilmington/Los Angeles, California—Grade Separation Project of Pacific Coast Highway near Alameda Street.

Compton City/Los Angeles County, California—Widening of Alameda Street and grade separation between Rt. 91 and Del Amo Boulevard.

Carson/Los Angeles Counties, California—Grade Separation Project at Sepulveda Boulevard and Alameda Street.

TITLE VI

RESEARCH AND TECHNOLOGY PROGRAM

House bill

The House bill amends the general research authority of the Secretary under Section 307(a) to clarify authority to conduct research on motor carrier transportation, highway planning, and highway operations. The Secretary is authorized to engage in cost-shared collaborative research with non-Federal entities, including state and local governments, foreign governments, colleges and universities, corporations, institutes, partnerships, sole proprietorships, and trade associations. The average Federal share may not exceed 50 percent unless it can be demonstrated that there is substantial public interest or benefit. Funds to carry out collaborative research under this section shall be derived from Section 104(a) administrative funds. Not less than 15 percent of the funds are to be used for long-term projects.

The House bill also directs the Secretary to conduct systems research for a short-haul passenger transportation system, an expansion of transportation infrastructure research and development and implementation of Strategic Highway Research Program results. The Secretary also must continue long-term pavement performance testing.

Section (f) of this section requires 1½ percent of state apportionments under Sections 104 and 144 be reserved to state research and planning purposes only, and requires that states use 25 percent of such funds for research, development, and technology transfer purposes.

Senate amendment

The Senate amendment directs the Secretary to establish a coordinated long-term program of highway research for the development, use and dissemination of performance indicators to measure the performance of the surface transportation system, including the indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors that reflect the overall performance of the surface transportation system.

Conference substitute

The conference substitute combines the House and Senate provisions. Two percent of state apportionments are to be made available for state research and planning purposes.

EISENHOWER FELLOWSHIP PROGRAM

House bill

No comparable provision.

Senate amendment

The Senate amendment provides for the establishment of a transportation research fellowship program at a level of $2,000,000 per fiscal year.

Conference substitute

The conference substitute is the provision in the Senate amendment. Development of new and efficient combinations of transportation infrastructure requires that the nation's brightest minds be attracted to the transportation engineering and research professions. The Dwight David Eisenhower Transportation Fellowship Program is designed to accomplish this objective. The conferees recognize that the fellowship program will be most successful if it serves to attract critical masses of students and professors to evolve into centers of excellence. Therefore, the conferees intend that the program shall be limited to no more than fifty universities, to be selected by the Secretary on the basis of their academic reputation in the transportation engineering and research areas. The conferees intend that the fellowships should be awarded competitively, and be available only to students enrolled in work toward a graduate degree in transportation engineering or research, but exceptions can be made for students in the final year of undergraduate engineering degrees who can demonstrate that they intend to specialize in a transportation-related field following graduation.

NATIONAL HIGHWAY INSTITUTE

House bill

The House bill provides for the continuation of the National Highway Institute and removes the current limitation on training to allow for training of U.S. citizens and foreign nationals engaged in highway work of interest to the United States.

Senate amendment

The Senate amendment is the same as the House bill but provides for a 75 percent Federal share.

Conference substitute

The conference adopts the Senate amendment with an 80 percent Federal share.

INTERNATIONAL TRANSPORTATION OUTREACH PROGRAM

House bill

The House bill requires the Secretary of Transportation to conduct an international transportation outreach program to (1) seek, evaluate, and disseminate information about innovations abroad for application in the U.S.; (2) to encourage use of American goods and services abroad; and (3) to assist developing countries to improve their surface transportation technology and institutions. Funds provided by cooperating organizations or persons may be held in a special account and used in furtherance of the outreach program.

Senate amendment

The Senate amendment provides authority for an international outreach program but does not require it.

Conference substitute

The Conference substitute is the Senate amendment modified by a House provision requiring coordination with other appropriate Federal agencies.

EDUCATION AND TRAINING

House bill

The House bill continues the Rural Transportation Assistance Program (RTAP) to provide technical assistance to highway and transportation agencies in rural areas and urbanized areas of 50,000 to 1,000,000 in population.

Senate amendment

The Senate amendment contains two provisions continuing the Rural Transportation Assistance Program. Both continue the program as proposed in the House bill, but one expands RTAP activities to include tourism and recreational travel assistance. The provision also requires that four program centers be designated to provide training on intergovernmental transportation planning and project selection and tourism recreational travel for American Indian tribal governments. In 1992 $5 million is provided to fund tourism and recreational travel assistance, and $8 million is provided annually to fund the RTAP program and new services for American Indian tribal governments at a 100 percent share.

Conference substitute

The Conference substitute continues RTAP technical assistance programs and expands RTAP services to include assistance to urban areas between 50,000 and 1,000,000 in population and tourism and recreational travel technical assistance. Two centers must be designated to provide training on intergovernmental transportation planning and project selection and tourism recreational travel to American Indian tribal governments. The RTAP program is authorized at $6 million annually and services to American Indian tribal governments are funded at a 100 percent share. In addition, the Secretary of the Interior may reserve funds from the Indian reservation roads program to finance Indian technical centers.

APPLIED RESEARCH AND TECHNOLOGY PROGRAM; SEISMIC RESEARCH PROGRAM

House bill

The House bill amends Section 307 of Title 23 to require the Secretary to establish and implement an applied research and technology program. The purpose of the program is to accelerate testing, evaluation, and implementation of technologies that may improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit, and intermodal transportation systems. Eighteen months after date of enactment, the Secretary must issue guidelines on selection of technologies, test locations, and collection and evaluation of test data. The Secretary is directed to carry out projects to assess the state of technology for heating bridge decks on a minimum of ten bridges being replaced or rehabilitated, to carry out a project demonstrating the environmental and safety benefits of elastomer modified asphalt, to conduct a program to demonstrate the safety benefits and durability of all weather pavement markings, to assess the state of technology of thin bonded overlay and surface lamination of pavement, and to demonstrate the durability and construction efficiency of high performance blended hydraulic cement. Highway projects carried out under this program must be conducted on the Federal-aid system.

The Secretary is required to transmit to Congress an annual report on the progress and findings of the applied technology program.

Funding for the applied technology program established under this section is derived from administrative and research funds set aside under section 104(a) of title 23 and section 21(h) of the Urban Mass Transportation Act of 1964 as amended at $35 million in fiscal year 1992, and $41 million per fiscal year for each of fiscal years 1993, 1994, 1995, 1996 and 1997. Not less than $4 million per fiscal year must be expended for projects related to heated bridge technologies, not less than $2 million must be expended for projects related to all weather pavement markings, and not less than $2,500,000 per fiscal year must be expended on thin bonded overlay projects.

A seismic research program must be carried out under this section in cooperation with a national earthquake engineering center to study the vulnerability of Federal-aid system highways, tunnels, and bridges to earthquakes and to develop and implement cost-effective methods of retrofitting highway facilities. Program progress and research findings are to be reported to Congress two years after date of enactment. Up to $2 million per fiscal year may be expended for carrying out seismic research under this section. The research is to be carried out in cooperation with the National Center for Earthquake Engineering at the University of Buffalo.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the provision in the House bill with clarification that in implementing the seismic research program the Secretary shall consult and cooperate with other Federal agencies participating in the National Earthquake Hazards Reduction Program and ensure the program is consistent with objectives and planning of the Federal Emergency Management Agency.

BUREAU OF TRANSPORTATION STATISTICS (SEC. 606)

House bill

No comparable provision.

Senate amendment

The Senate amendment amends sec. 303 of title 23 U.S.C. to create a Bureau of Transportation Statistics, to be headed by a Director appointed by the President, to collect information on the performance of the national transportation system, to produce annual estimates of the use, productivity, safety, durability, and environmental effects of transportation systems, and to report these results annually to Congress.

Conference substitute

The conference agreement accepts the Senate language, with several modifications. It changes the reporting interval to once every two years, requires the Bureau to collect data relative to intermodal transportation, and affirms that the existence of the Bureau does not relieve the modal Administrators from responsibility of data collection and dissemination. $90 million is authorized from the Highway Trust Fund to fund the operation of the Bureau.

The Bureau of Transportation Statistics shall be responsible for compiling, analyzing, and publishing a comprehensive set of transportation statistics of sufficient scope, quality, relevance, and reliability that Federal and nonfederal agencies and Congress have adequate and accurate information about the availability, reliability, costs, and benefits of alternative transportation technologies to make informed decisions about how best to allocate Federal funds among transportation projects and programs. Such information should include productivity in various portions of the transportation sector, traffic flows, travel times, vehicle weights, variables affecting the choices people make about travel (including the mode, time, and willingness to pay), the availability and number of passengers served by mass transit for each transit authority, the frequency of vehicle and infrastructure repairs and resulting losses of time and money, frequency of accidents, injuries and fatalities, damage to the environment resulting from transportation, and the condition of transportation infrastructure. All data shall, to the extent practicable, be comparable across transportation modes and intermodal transport systems. The conferees intend that all such statistics must have a sound scientific basis, be as free as possible from bias resulting from data collection or interpretation procedures, and they must be widely accepted by decision-makers as accurate and relevant.

The Director of the Bureau shall, in cooperation with the modal administrators, other federal agencies, the States, and other nonfederal entities, pursue a comprehensive program for the collection and analysis of data relating to the performance of the national transportation system.

A necessary step in this process is developing better indicators for productivity, efficiency, energy use, air quality related to vehicle operation, congestion, safety, maintenance, and other factors that reflect the overall performance of the surface transportation system. It is the intention of the conferees that the Director be directly involved in planning and review of the research to develop performance indicators for the national transportation systems. The most often reported indicators of productivity of transportation systems today are weight-miles or person-miles per employee-hour. While the underlying data are easily collected, these indicators are inadequate, because they convey little information about important issues such as the amount of fuel consumed, the cost of maintaining and repairing infrastructure and vehicles, the amount of pollution produced, the number of injuries, the reliability of timely arrival, and other factors that affect the costs and benefits of alternative decisions involved in transportation infrastructure planning. It is the intention of the conferees that the Director insure that such indicators are identified, and that data relative to their measurement are collected, analyzed, and reported.

The Director shall assure that data and other information are collected in such a manner as to maximize the ability to compare data from different regions, and over time, such that trends and regional differences, if they exist, can be detected and analyzed for statistical significance. The Director shall insure that the data are quality-controlled for accuracy, and promulgate guidelines for the collection of such information to insure that the information is accurate, reliable, relevant, and in a form that permits systematic analysis.

The Director shall coordinate the activities of the Bureau with related information gathering activities of other agencies. The conferees intend that data managed by the Bureau shall not be limited to highway transportation, but is extended to include rail, maglev, and intermodal transportation systems involving rail, highways, ships, and air transport. The purpose of this change in section 115 of the previous Act is to ensure that the efficiency and productivity of the transportation systems in the United States is maximized. This cannot be done by developing newer technology for highways alone. Strategic research planning must consider the importance of potential and actual products in the context of competing transport modes or economies of intermodal approaches to transport. The conferees intend that the Bureau integrate environmental effects and economics into transportation statistics, and that the Director coordinate data collection activities with those of the Environmental Protection Agency, the Department of Commerce, and other government agencies, wherever appropriate.

The Director shall make transportation statistics readily available to federal and non-federal agencies and other organizations. It is the intention of the conferees that data managed by the Bureau be accessible in computerized format, with adequate documentation and user-services.

The Director shall review information needs at least annually with the Advisory Council on Transportation Statistics and make recommendations to appropriate officials responsible for research programs in the Department of Transportation and other agencies involved in indicator research and development. The Director shall appoint an Advisory Council on Transportation Statistics, comprised of no more than six private citizens who have experience in transportation statistics and analysis (at least one of whom should have expertise in economics) to provide advice on the operation of the Bureau. The Council shall be subject to the provisions of the Federal Advisory Committee Act. It is the intention of the conferees that at least one of the Council members be a professional statistician. No later than one year after the start of Bureau operations, the Bureau shall enter into an agreement with the National Academy of Sciences for a study of the adequacy of the data collection resources, needs, and requirements, including data collection procedures and capabilities, data analysis procedures and capabilities, the ability of data bases to integrate with one another, computer hardware and software capabilities, information management systems (and their ability to integrate with one another, personnel, and budgets. The report shall be delivered within 18 months of initiation of the agreement, and should include recommendations for improving data collection systems, procedures, hardware, software, and information management systems. It is the intention of the conferees that this study serve as the first of the annual data reviews required of the Director.

Nothing in paragraph (1) shall authorize the Bureau to require the collection of data by any other monitoring Department, or to establish observation or monitoring programs. It is the intention of the conferees that the Director use Bureau resources to enhance data collection, analysis, and reporting by other organizations to fill identified data gaps, rather than to organize stand-alone monitoring programs, in order to insure the most cost-effective use of transportation monitoring resources.

The Bureau shall be under the direction of a Director of Transportation Statistics, who shall be appointed by the President, by and with the advice of the Senate. The Director shall have substantial technical experience in the compilation and analysis of transportation statistics. The term of the appointment shall be four years, to begin within 180 days of enactment of this Act. It is the intention of the conferees that the term of office of the Director overlap with that of the President. The Director shall report directly to the Secretary and be compensated at Level V of the Executive schedule. The conferees intend that the Director be given substantial latitude to insure that Bureau data and information are not biased in any way by political considerations, and that release of data shall not be subject to policy review.

Data collected by the Bureau shall not be disclosed publicly in a manner that would reveal the personal identity of an individual, consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade secrets and commercial or financial information provided by any person to be identified with such person. The conferees recognize that statistics may become biased if the very fact that a datum is being measured causes the object of measurement to change its characteristics or behavior. This may happen if data collected for the purpose of describing a system also can be used to cause harm to someone by legal or economic means. If this happens people may take great pains to conceal the true characteristics of the object. In order to avoid such bias, the conferees intend that the Director establish such procedures as necessary to ensure that all Bureau data are collected and stored in such a way that they cannot be used to prosecute individuals or reveal business information that could harm persons or corporations. The conferees intend that the Director consult with officials involved in other Federal data collection activities to identify the most appropriate means to meet the criteria.

The Director shall produce annual reports on transportation statistics and submit them to Congress, the states, and other interested parties. These reports shall compare transportation statistics among the states and regions, as well as reporting on trends at the state, regional, and national level. The conferees intend that if the statistics are based on estimates, rather than complete censuses, quantitative estimates of precision and statistical significance of trends and changes also shall be provided. The report shall include such indicators as are enumerated in section 303(b), indicators developed under section 115(a)(3), and other indicators, as appropriate for conducting cost-benefit analyses, prioritizing transportation system problems, and analyzing proposed solutions. In the estimation of costs and benefits, the conferees, intend that it is not acceptable to set a cost or benefit at zero only because it cannot be quantified precisely. The conferees also intend that opportunity costs and costs such as decreased property values next to rights-of-way should be included, as well as benefits associated with increased reliability, more enjoyable travel, and other social costs and benefits.

The Director should, wherever feasible, use data already collected by the modal Administrators or other agencies. The Director should identify any additional specifications or quality assurance that must be applied to such data to ensure that it meets the needs of the Bureau.

$90 million is authorized to conduct the work of the Bureau. The conferees intend that the Bureau be funded at a minimum of $4 million during fiscal year 1992, plus $500,000 to begin the National Academy of Sciences study. It is the intent of the conferees that the Bureau be funded at no less than $25 million per year in the last year of this authorization.

ADVISORY COUNCIL ON TRANSPORTATION STATISTICS

House bill

No comparable provision.

Senate Amendment

The House amendment provides for the establishment of an Advisory Council on Transportation Statistics to advise the Director of the Bureau of Transportation Statistics.

Conference substitute

The Conference substitute is the Senate provision.

DOT DATA NEEDS

House bill

The House bill requires the Secretary to enter into an agreement with the National Academy of Sciences to conduct a study on the adequacy of data collection procedures and capabilities of the Department of Transportation.

Senate amendment

The Senate amendment requires a similar data needs study but requires the Secretary to consult with the Director of the Bureau of Transportation Statistics in entering into the agreement with the National Academy of Sciences.

Conference substitute

The Conference substitute is the Senate provision.

SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT PLANNING

House bill

The Secretary is instructed to develop and submit to Congress an annual integrated national surface transportation research and development plan.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute includes the annual surface research and development plan from the House version. The plan's purpose is to more sharply focus research and development activities within the Department. It is to include all ongoing research and development activities throughout the Department, as well as those planned for future years. The plan shall also include a 10-year projection of Department-funded long-term research and development. A plan modelled after the Experimental Program to Stimulate Competitive Research (EPSCoR) at the National Science Foundation should be included to assure that university research efforts are broadly based geographically. Major contracts must be described. Through the plan, specific objectives are to be followed leading to advanced technologies being commercially developed by U.S.-based companies. The plan is being commercially developed by U.S.-based companies. The plan is to be complete, identifying specific scopes of work, organization of personnel, milestone schedules, estimated costs by phase of activity, current state-of-the-art, and accomplishments. Plans and organization for future activities should also be included. For new systems, broad scope preliminary cost estimates are acceptable the first year if followed a year later with firm cost estimates the Congress can use in making informed budget decisions.

NATIONAL COUNCIL ON SURFACE TRANSPORTATION RESEARCH

House bill

The House bill establishes a seven-member National Council on Surface Transportation Research, with three members appointed by the President and one each by the Speaker of the House minority leader, the Senate majority leader and the Senate minority leader, to investigate and study current surface transportation research and technology developments in the United States and internationally.

The Council is to identify gaps and duplication in current surface transportation research efforts, determine research and development areas which may increase efficiency, productivity, safety and durability in the nation's surface transportation systems, and develop a national surface transportation research and development plan for immediate implementation.

The Council is to survey current surface transportation research efforts in the United States and internationally, examine factors causing fragmentation of surface transportation research and determine how to achieve increased coordination, compare the role of the Federal Government with the role of foreign governments in promoting surface transportation, identify barriers to innovation in surface transportation research, examine funding arrangements for surface transportation research and the level of resources currently available and identify surface transportation research areas and opportunities, including opportunities for international cooperation, to develop a short-range and long-range national surface transportation research and development plan.

Council members are to be appointed from among individuals involved in surface transportation research, including all levels of government, other public agencies, colleges and universities, public, private and nonprofit research organizations, and organizations representing transportation providers, shippers, labor, and the financial community. One member appointed by the President shall serve as an international research advisor for the Council.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute contains the House bill provision.

RESEARCH ADVISORY COMMITTEE

House bill

The Research Advisory Committee (RAC) is established in the House bill to ensure that the Department takes maximum advantage of available outside advice in planning and evaluating its research program and projects, especially the long-term efforts. The Department's research must both feed and be fed by the research programs of other organizations and the results of the Department's research must serve the interests of the surface transportation community of the United States. Both these objectives will be furthered by the establishment of the RAC which is to be formed after the report by the National Council on Surface Transportation Research is submitted September 30, 1993.

Appointees to the RAC should bve selected on the basis of their technical knowledge of the state-of-the-art and the requirements for the research, rather than as representatives of organizations, but inclusion of a representative sample of major Department constituencies is desirable. Members are to include representatives from labor and universities that have experience in developing the surface transportation technologies that are being examined by RAC. RAC members are not to be paid for their service, but in some instances, individuals can be reimbursed for the transportation and other expenses necessary to participate. The application of certain limitations clauses is intended to make appropriate staffing available to the RAC. There will be a need for certain research advice which is too specialized to be effectively considered by the full RAC. Subordinate committees composed of experts with specialized backgrounds may be used to deal with such issues.

Senate amendment

The Senate Amendment contains no comparable provision.

Conference agreement

The Conferees accept the House provision.

COMMEMORATION OF EISENHOWER NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

House bill

The House bill requires that a study be conducted to determine an appropriate emblem to be placed on highway signs referring to the Interstate System to commemorate the vision of President Dwight D. Eisenhower.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the provision in the House bill.

STATE LEVEL OF EFFORT

House bill

The House bill directs the Secretary to begin a comprehensive study of the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs.

The study shall examine data relating to state and local revenues collected and spent on surface transportation programs, including fuel taxes, toll revenue, sales taxes, general fund appropriations, property taxes, bonds, administrative fees, taxes on commercial vehicles, and other state and local revenue sources.

The Secretary is to report to Congress within 12 months of enactment with recommendations.

Senate amendment

The Senate amendment is similar to the House provision except that it requires the study to be conducted jointly by the Secretary and the Director of the Bureau of Transportation Statistics. The report is to be submitted to Congress within nine months of enactment.

Conference substitute

The conference substitute contains the Senate amendment.

EVALUATION OF STATE PROCUREMENT PRACTICES

House bill

The House bill directs the Secretary to conduct a study of whether current procurement practices used by state departments and agencies are adequate to ensure the highest quality of materials and cost-effectiveness of projects. The Secretary is directed to report to Congress within two years with an assessment of the need for a national policy on quality assurance.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute contains the House bill provision.

BORDER CROSSINGS

House bill

The House bill provides for improvement and integration of intermodal transportation facilities, including methods of achieving the optimum yield from such systems.

Senate amendment

The Senate amendment directs the Secretary to assess the need for transportation infrastructure improvements to facilitate U.S. to Mexico and U.S. to Canada trade. The Senate amendment also directs the Secretary to determine whether U.S. to Canada border crossing are designed for future growth and expansion and whether they will accommodate greater commercial traffic resulting from free trade agreements and increased tourism traffic.

Conference substitute

The conference substitute combines the provisions of the House bill and Senate amendment.

FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS

House bill

No comparable provision.

Senate amendment

The Senate amendment requires the Federal Highway Administration to enter into a contract with a nonprofit organization for studies of the fundamental chemical properties and physical properties of petroleum asphalts and modified asphalts used in highway construction. Authorizations of $3 million per fiscal year are provided to fund the studies. A test strip must be implemented to demonstrate energy and environmental advantages of shale oil modified asphalts under extreme climatic conditions. Funds for the test strip are to be made available from funds for parks and park highway.

Conference substitute

The conference substitute directs the Administrator of the Federal Highway Administration to undertake fundamental studies of the performance of petroleum asphalts and modified asphalts used in highway construction. The conferees direct the Administrator to contract with the Western Research Institute, located in Laramie, Wyoming, a nonprofit organization, for purposes of complying with this section, as the prime organization responsible for carrying-out the technical and analytical support and related research. Based on previous research and the volume of performance data that must be considered, the conferees direct the Administrator to provide at least $3 million each year. This funding level will ensure that there is alignment between field performance characteristics of petroleum asphalts with diagnostic chemical and physical property tests designed to predict performance of petroleum asphalts. The conferees further direct the Administrator to enter into such contracts on the basis of the Western Reseach Institute's demonstrated expertise and experience in such related research programs in addition to the organization's past research activities on behalf of the Strategic Highway Research Program.

The Administrator is further directed, in coordination with the Western Research Institute, to implement a test strip of a shale oil-modified asphalt in Yellowstone National Park. The conferees direct this demonstration to be constructed with the expressed purpose of providing findings on whether such shale oil modified asphalt will provide a domestic asphalt feedstock alternative that provides enhanced performance characteristics, economic, and environmental advantages over current technologies. The conferees directed the selection of the demonstration site to ensure that such a test strip is subjected to severe and extreme climate conditions. Because of the importance of this demonstration, the conferees have directed a final report on the findings of this demonstration to be submitted to Congress not later than November 30, 1995.

RESEARCH AND DEVELOPMENT AUTHORITY OF SECRETARY OF TRANSPORTATION

House bill

Title 49 of the U.S. Code, subtitle I, lists the purposes of the Department of Transportation (DOT). The Department purposes should also include basic research if DOT is to promote and undertake research and development related to transportation. The House bill adds the requirement to ". . . include basic automotive highway vehicle science." This provides DOT with a mandate to conduct research in long-term, high-risk basic highway vehicle science.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conferees adopt the House provision.

PURPOSES OF DEPARTMENT OF TRANSPORTATION

House bill

This House bill amends Title 49, USC subchapter I on the duties of the Secretary of the Department of Transportation to include that the Department will stimulate technological advances in transportation "through research and development." Both basic scientific research and research in long-term, high-risk highway vehicle sciences, are very important. Accordingly, the House bill authorizes research to be included in the fundamental mandates of the Department.

Senate amendment

The Senate version contains no comparable House provision.

Conference substitute

The Conference substitute includes the House provision.

ADVANCED AUTOMOTIVE RESEARCH CONFERENCE AND AWARD

House bill

The House bill establishes an Advanced Automotive Research Conference and a National Award for the Advancement of Motor Vehicle Research. It does so through the Stevenson-Wydler Technology Innovation Act of 1980, which established a program to support industry's technology development efforts. The Act also established a National Technology Medal for companies that have made outstanding contributions to the promotion of technology.

In order to examine and analyze the strengths and weaknesses of the U.S. motor vehicle industry, a conference on advanced automotive research and development should be convened. Accordingly, the House bill amends the Stevenson-Wydler Act to mandate that the Department of Commerce convene a conference of automotive experts including representatives of labor and academia to examine ways in which technology transfer of research results from the federal laboratories can improve U.S. motor vehicle industrial competitiveness. The results of the conference would be published and submitted to Congress. The recommendations of the conference should focus on further research necessary to improve U.S. competitiveness in automotive technology. The House bill also amends the Stevenson-Wydler Act to establish a National Award for the Advancement of Motor Vehicle Research. The award consisting of a medal, and potentially a privately supported cash prize, will honor domestic motor vehicle manufacturers, suppliers, or Federal laboratory personnel who have substantially improved the domestic motor vehicle in safety, energy savings, or environmental impact.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference substitute contains the House provision.

UNDERGROUND PIPELINES

House bill

The House bill requires the Secretary to study the feasibility, costs, and benefits of constructing and operating pneumatic capsule pipelines for underground movement of commodities.

Senate amendment

No comparable provision.

Conference substitute

Same as House bill.

BUS TESTING

House bill

Subsection (a) amends Section 12(h) of the Urban Mass Transportation Act of 1964 to clarify that new bus models required to be tested under that Act include buses using alternative fuels.

Subsection (b) amends 317(b)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 to require braking performance and emissions tests be conducted on new bus models. Funding of $1.5 million is provided to the bus testing center to purchase and install new testing equipment in accordance with new testing requirements.

Subsection (c) establishes a revolving loan fund of $2.5 million to fund bus testing facility operations and maintenance. In programming the use of the revolving loan fund, it is intended to allow the operators of the testing facility to borrow from the fund only to cover operating expenses brought on by a lack of vehicles to be tested.

Senate amendment

The Senate has no comparable provision.

Conference substitute

Same as House bill.

NATIONAL TRANSIT INSTITUTE

House bill

The House bill directs the Secretary to make grants for the establishment of a national transit institute to develop and administer training programs on a broad range of transit matters, techniques and procedures for Federal, state and local transportation employees engaged or to be engaged in Federal-aid transit work.

The Secretary is to make available $3 million per fiscal year for carrying out national transit institute activities.

States and public transit agencies may use up to one-half percent of section 3 and 9 funds for up to 80 percent of tuition and direct education and training expenses for state and local transportation department employees.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute contains the House bill provision, with a modification to provide that the National Transit Institute will be funded equally from the State and national research programs under section 26 of the Federal Transit Act of 1969.

UNIVERSITY TRANSPORTATION CENTERS

House bill

The House bill amends Section 11(b)(2) of the Urban Mass Transportation Act of 1964 to include transportation safety as an area of responsibility for University Transportation Centers. Section 11 is also amended to designate three new centers: a national center for transportation management, research, and development at Morgan State University; a center for transportation and industrial productivity at New Jersey Institute of Technology; and a national rural transportation study center at the University of Arkansas. The Secretary also is directed to make a grant of $2.42 million in fiscal year 1992 to Monmouth College for the James and Marlene Howard Transportation Information Center. Provisions of the 1964 Act requiring a National Advisory Council are deleted and replaced by a requirement that the Centers' studies be coordinated and disseminated by the Secretary. Up to one percent of funds provided for the University Transportation Center program are made available to the Secretary for its administration.

Senate amendment

The Senate amendment calls for the establishment of three new additional National Centers for Transportation Management, Research, and Development to accelerate involvement and participation on the part of minority individuals and women in transportation-related professions.

Conference substitute

The conference substitute in the House provision with the addition of a provision establishing a grant for a National Center for Advanced Transportation Technology at the University of Idaho.

This center shall be similar to the other national centers established under this section but it shall not be subject to all of the provisions of 49 U.S.C. 1607(b) such as the federal share. It shall be specifically funded for three fiscal years at 80% federal share and the funds shall not be subject to any obligation limitation.

UNIVERSITY RESEARCH INSTITUTES

House bill

Secton 11 of the Urban Mass Transportation Act of 1964 is amended by the House bill to require the Secretary to make grants to establish and operate an institute for national surface transportation policy studies at San Jose State University, an infrastructure technology institute at Northwestern University, an Urban

Transit Institute with the University of South Florida, and an Institute for Intelligent Vehicle Highway Concepts at the University of Minnesota. Funding of $250,000 per fiscal year is authorized for the institute for National Surface Transportation Policy Studies; $3 million per fiscal year is authorized for the infrastructure technology institute; and $1 million per fiscal year is authorized for each of the Urban Transit Institute and the Institute for Intelligent Vehicle Highway concepts.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute adopts the House provision and establishes at the University of North Carolina an Institute for Transportation Research and Education (ITRE). To support minority participation in urban transit research, grants will be made to North Carolina A&T State University in conjunction with the University of South Florida and a consortium of Florida A&M, Florida State University, and Florida International University for Interdisciplinary study to address the diverse transportation problems of urban areas experiencing significant and rapid growth.

INTELLIGENT VEHICLE HIGHWAY SYSTEMS

House bill

The house bill establishes a program to research, develop, operationally test, and implement intelligent vehicle/highway systems. The bill requires development and implementation of a strategic plan and provides for planning grants to states and local governments, as well as assistance for operational technical projects. The bill establishes a program of financial and technical assistance for implementation of IVHS corridors.

Senate amendment

The Senate provisions are similar to those in the House bill, but establishes a "Congested Corridors" program for implementation of IVHS Technology.

Conference substitute

The conference substitute combines the provisions of the House bill and Senate amendment. Requirements for development of a prototype by 1997 may be satisfied through a test track, and implementation of IVHS technology in corridors and other areas must make a potential contribution to the Secretary's strategic plan.

ADVANCED TRANSPORTATION SYSTEMS

House bill

The House bill authorizes the Department of Transportation to award grants, matched on the state or local level, to set up capital manufacturing consortia dedicated to the development of cleaner transit systems and electric vehicles. The program provides seed money needed by small and medium size suppliers, larger manufacturers, universities and other research and manufacturing groups to collaborate on pushing an idea from laboratory to market. The program will give states maximum freedom in fostering public/private partnerships based on their own unique situations and recognizes the public benefits of solving mobility and energy problems with cleaner vehicles.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the provision in the House bill.

TITLE VII—AIRPORT AUTHORITY

Conference substitute

The Conference Substitute enacts the Metropolitan Washington Airports Act Amendments of 1991. The substitute is the same as H.R. 3762, passed by the House on November 18, 1991. The substitute restores the full authority of the Metropolitan Washington Airports Authority which operates Washington National and Dulles Airports.

The legislation is necessary because of the Supreme Court's decision in Metropolitan Washington Airports Authority v. Citizens for the Abatement of Aircraft Noise, holding unconstitutional the provisions in the MWA Act of 1986 which established a Board of Review of nine Members of Congress with veto power over specified major decisions of MWAA's Board of Directors. As a result of this decision, MWAA, which runs National and Dulles Airports, is unable to take the actions over which the Board of Review held veto power, including adoption of a budget and authorization of the issuance of bonds for airport development.

The Conference Substitute makes the following changes in the 1986 Act and develops a constitutionally acceptable structure [1] which will ensure that decisions of the Airports Authority will take account of the interests of users of the airports.

(1) Under the 1986 Act, the Board of Review members were selected by the Airports Authority from lists provided by the Speaker of the House and the President pro tempore of the Senate. In its decision that the Board of Review procedure was unconstitutional, the Supreme Court criticized the requirements in the 1986 Act that the Board members must be Representatives and Senators from the authorizing and appropriating committees; the absence of a specific authorization for the Airports Authority to reject a list and request additional nominations; the absence of a requirement that the Board members be users of the airport; and the absence of power in the Airports Authority to remove Members of the Board of Review.

The Conference substitute continues the requirements for a Board of Review by directing the Airports Authority to establish a

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[1] See, for example, the opinion of the American Law Division of the Congressional Research Service that the legislation is constitutional, Congressional Record of November 18, 1991 at pp. H10347-10349.

Board of Review of nine members; four from a list provided from the Speaker of the House, four from a list provided by the President pro tempore of the Senate, and one chosen alternately from a list provided by the Speaker and the President pro tempore. However, in response to the matters raised by the Supreme Court, the Conference substitute makes a number of changes in the requirements for the Board. The substitute gives the Airports Authority the right to reject a list and request additional recommendations. The individuals on the list submitted by the Speaker and the President pro tempore do not have to be Senators or Representatives. They are required to have experience in aviation matters and be frequent users of the Metropolitan Washington Airports. The Airports Authority Board of Directors is given authority to remove members of the Board of Review for cause by a two thirds vote.

(2) The 1986 Act requires the Airports Authority to submit to the Board of Review, at least 30 days before their effective dates (60 days in the case of a budget), the Authority's budget, authorizations for the issuance of bonds, actions on an airport master plan, actions on regulations, and appointment of a chief executive officer. The substitute continues the requirements that these actions be submitted to the Board of Review and requires that the following additional matters to be submitted to the Board of Review: amendments to the Airports Authority's annual budget; an annual plan for issuance of bonds and any amendments to such plan; the award of a contract (other than a contract in connection with the issuance or sale of bonds) which has been approved by the Board of Directors of the Airports Authority; any action of the Board of Directors approving terminal design or airport layout or modifications thereof; and an authorization for disposal of land or the grant of an easement.

(3) The 1986 Act is modified to end the Board of Review's authority to disapprove actions submitted by the Airports Authority. Instead, the Board of Review would have authority to recommend changes in an action submitted by the Airports Authority (including recommendations that the Authority not take the proposed action). The time for Board of Review action would be changed from 30 days in existing law, to 30 calendar days or 10 legislative days, whichever period is longer.

If the Board of Review made a recommendation, the Authority could not take the proposed action until the Authority had evaluated and responded in writing to the recommendation of the Board of Review. If the Authority's proposed action followed the recommendations of the Board of Review, the action could be taken. If the Authority did not follow the Board of Review's recommendations, the proposed action could not be taken until the proposal had been submitted to the Congress and sixty legislative days had passed. During this period, Congress would be able to consider a joint resolution (which would have to be signed by the President) disapproving the proposed action.

The substitute establishes special Congressional procedures to ensure that procedural difficulties would not prevent Congress from passing a resolution of disapproval during the sixty day period. The special procedures for resolutions of disapproval are modeled on those in the D.C. Home Rule legislation. Under the procedures in the substitute, a resolution of disapproval of an action of the Airports Authority would be referred to the House Committee on Public Works and Transportation and the Senate Committee on Commerce Science and Technology. If the Committee to which a resolution had been referred had not reported it at the end of twenty calendar days, it would be in order to move to discharge the Committee from further consideration of the joint resolution. A motion to discharge would be highly privileged, and debate would be limited to not more than one hour. An amendment would not be in order, nor would it be in order to move to reconsider. Additional procedures are established for consideration by the Senate of resolutions of disapproval which have been reported or discharged. Debate on a resolution would be limited to not more than ten hours and amendments or motions to recommit would not be in order.

(4) The substitute includes a provision ratifying actions of the Airports Authority which were submitted to the Board of Review before the Supreme Court's decision. This provision basically clarifies existing law on the effect of an adverse court order on the Board of Review's powers.

(5) The substitute includes a provision that until the Airports Authority establishes a new Board of Review, and at any time the Airport Authority fails to fill more than four vacancies on the Board of Review, the Airports Authority will have no power to take the actions which must be submitted to the Board of Review. This will protect against the Airports Authority failing to comply with the statutory requirement that it appoint a Board of Review.

(6) A new provision is added to existing law directing the Comptroller General to review the Airports Authority's contracting procedures for consistency with sound government-contracting principles and the provisions of existing law requiring the Authority to use competitive bidding procedures. The Comptroller General would be required to file periodic reports with the House and Senate Aviation committees.

(7) To supplement the new authority given the Board of Review to review contracts of the Airports Authority, the substitute adds a new requirement that every contract must include a provision that no member of the Board of Review may benefit from the contract.

(8) The substitute authorizes the Secretary of Transportation to amend the lease of the airports to the Authority to incorporate the new Board of Review procedures.

Several provisions in the Conference Substitute should be clarified; the exception in section 6007(f)(4)(B)(vi) which states that "a contract in connection with the issuance or sale of bonds" is not subject to review by the Board of Review. It should be clear that this exception applies only to those documents necessary for the bond issuance and not to any contract relating to the selection of underwriters or to contracts funded by the bond proceeds.

Section 6007(h) has been amended to clarify its original intent. Any interruption in the Airports Authority's power was meant to be prospective; actions taken before a court order were not to be invalidated by such an order.

In addition, the Conferees believe that an objective in the redesign of the Metropolitan Washington Airports should be to minimize walking distances between terminals and between terminals and parking facilities. At National Airport, the Authority should made every reasonable effort to construct a permanent system for transporting people between the new North Terminal, the principal on-airport public parking facilities and the southern-most passenger terminal facilities, using a continuous loop system or a system of moving sidewalks. The Authority should periodically report to the Board of Review on the progress of its efforts.

The Conferees have been concerned with the difficulties which new entrants and limited incumbents have faced in obtaining slots at National Airport. In recognition of these difficulties, the Federal Aviation Administration, on February 24, 1984, awarded an exemption to Braniff Airlines to conduct four daily operations at National. These operations were being conducted at the time of passage of the Metropolitan Washington Airports Act of 1986. On January 12, 1990, after Braniff had ceased operations, FAA awarded America West an exemption to operate the slots previously held by Braniff. The rationale for the exemption was "the Department's policy of promoting competition in the airline industry."

The original America West exemption was granted for 6 months. Since then, the exemption has been extended for two one-year periods.

The Conferees agree with the FAA's decision to award four slots to America West in the interest of competition. However, we are concerned that the relatively short term of each renewal of the exemption makes it difficult for the carrier to engage in long-term planning, and many limit the willingness of creditors to advance funds to America West. With the decline in competition and the financial difficulties of the airline industry, the survival of major carriers such as America West is of great importance. Accordingly, we urge FAA to consider a long-term exemption to America West to operate the four slots, subject, of course, to the same rights FAA retains for any of the slots at National Airport.

Another matter of concern to the Conferees has been the expiration of provisions in the 1986 Act guaranteeing to airport employees, for five years, continuation of the rates of pay and other employee benefits which were in effect on the date the airports were leased to the regional Airports Authority. Notwithstanding the expiration of these provisions we expect the Authority to continue to afford employees fair treatment with respect to wages and other conditions of employment. We expect to monitor employee relations at the Airport, and to take appropriate corrective action if necessary.

TITLE VIII—REVENUE-RELATED PROVISIONS

A. Highway-Related Excise Tax Provisions

1. TAX RATES

Present law

Current highway motor fuels and other highway excise taxes (the "HTF taxes") are scheduled to expire after September 30, 1995. These taxes include: 11.5 cents per gallon on gasoline and special motor fuels (including motorboat and small engine fuels); 17.5 cents per gallon on highway diesel fuel; 12 percent of retail price on heavy trucks and truck trailers; graduated rates on heavy highway vehicle tires; and a graduated annual use tax on heavy highway vehicles. All revenues from these tax rates are deposited in the Highway Trust Fund ("HTF"), except that revenues from taxes on motorboat and small engine gasoline fuels deposited in the HTF are transferred to the Aquatic Resources Trust Fund ("Aquatic Fund").

Gasoline, special motor fuels, and diesel fuel (including diesel fuel used in trains) are taxed at 2.5 cents per gallon through September 30, 1995. Revenues from these taxes are retained in the General Fund. Further, a separate 0.1-cent-per-gallon tax applies to these fuels to finance the Leaking Underground Storage Trust Fund ("LUST fund").

House bill

The House bill extends current HTF taxes (and exemptions from these taxes) for four years, through September 30, 1999. Also, the House bill extends current trust fund taxes on motorboat and small engine fuels for that period.

The current 2.5 cents-per-gallon deficit reduction rate on motor fuels, including the train diesel fuel tax, is not extended beyond the current 1995 expiration. Thus, from October 1, 1995, through September 30, 1999, the motor fuels tax rates (not including the LUST fund rate) will be 11.5 cents per gallon for gasoline and special motor fuels and 17.5 cents per gallon for highway diesel fuel.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

2. DEPOSITS AND TRANSFERS OF REVENUES

Present law

Gross revenues from the HTF taxes are transferred to the HTF through September 30, 1995. Gross revenues from the 11.5 cents-per-gallon taxes on certain motorboat fuels and small-engine gasoline fuel are transferred from the HTF to the Aquatic Fund through September 30, 1995.

House bill

The House bill extends the transfers of gross revenues from the current HTF taxes to the HTF through September 30, 1999. The House bill also extends transfers from the HTF to the Aquatic Fund of the fuels taxes currently transferred to the Aquatic Fund through September 30, 1997 (to conform to the HTF expenditure authority termination date).

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

B. HIGHWAY TRUST FUND PROVISIONS

1. TRUST FUND EXPENDITURE AUTHORITY

Present law

HTF expenditure authority is scheduled to expire on October 1, 1993.

The Aquatic Fund consists of two accounts: the Sport Fish Restoration Account for which there is no scheduled expiration date of expenditure authority and the Boat Safety Account for which expenditure authority is scheduled to expire after March 31, 1994.

House bill

The House bill extends HTF expenditure authority through September 30, 1997. Expenditure authority for the Aquatic Fund's Boat Safety Account is extended through March 31, 1998.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

2. TRUST FUND EXPENDITURE PURPOSES

a. Highway Account Generally

Present law

HTF Highway Account amounts are available, as provided in appropriations acts, to funds obligations incurred under the Highway Revenue Act of 1956, the Surface Transportation Act of 1982, the Surface Transportation and Uniform Relocation Act of 1987 ("1987 Act"), or for amounts for a general purpose authorized under these acts as in effect on the date of enactment of the 1987 Act.

House bill

The House bill adds to the permissible HTF expenditure purposes expenditures for purposes provided under the Intermodal Surface Transportation Infrastructure Act (H.R. 2950).

The House bill further provides that the permissible HTF expenditure purposes include only those specified in each Act cited above, as those Acts are in effect on the date of enactment of H.R. 2950.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

b. Mass Transit Account

Present law

Amounts in the Mass Transit Account of the HTF are available through September 30, 1993, as provided in appropriation acts, for making capital expenditures under section 21(a)(2) of the Urban Mass Transportation Act of 1964 ("UMTA"). UMTA section 21(a)(2) authorizes Mass Transit Account expenditures for construction and purchase of facilities and rolling stock, innovative techniques in public transportation services, planning and technical studies, and grants to assist elderly and handicapped needs.

House bill

The House bill provides that Mass Transit Account amounts are to be available for "capital" and "capital-related" purposes under UMTA sections 21 (a)(2), (b), (c), (g),(2), (h), or (j)(1), as in effect on the date of enactment of H.R. 2950.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

c. Highway Tax Compliance

Present law

Internal Revenue Service ("IRS") highway tax compliance expenditures are financed from General Fund appropriations.

House bill

Provisions contained in the non-revenue titles of the House bill authorize HTF amounts for grants to the IRS and/or States for motor fuels and other highway use tax enforcement activities. These provisions also provide for an Advisory Committee to the Secretary of Transportation (from the Federal Highway Administration, IRS, and the States) to prepare and coordinate the highway tax enforcement projects, with semi-annual reports to be made to the House and Senate authorizing committees ("Public Works") on the expenditure of such monies.

The House bill's revenue title provides that Department of Transportation may not impose any conditions on the use of any funds allocated to the IRS, and that the IRS must submit a report to the Ways and Means and Finance Committees at least 60 days before the start of each fiscal year (after FY 1992) on the projected use of any such funds it receives. Further, the revenue title provides that the semi-annual reports by the Advisory Committee also are to be made to these tax-writing committees.

Senate amendment

The Senate amendment authorizes HTF amounts for grants to the IRS and/or States, to be used only to expand motor fuel tax enforcement activities and to reduce other highway use tax evasion. Semi-annual reports are to be made to the House and Senate Public Works committees on the expenditure of these monies.

Conference agreement

The conference agreement follows the House bill's restrictions on monies allocated to the IRS.

C. NATIONAL RECREATIONAL TRAILS TRUST FUND

Present law

Gasoline used in off-highway business uses is exempt from the HTF and deficit reduction rates of the gasoline excise tax. Off-highway recreational (i.e., nonbusiness) use is not exempt.

Revenues generated at the HTF tax rate that are attributable to nonbusiness off-highway uses are transferred to the HTF. Revenues attributable to the HTF rate on gasoline in a nonbusiness use of small-engine outdoor power equipment are then transferred from the HTF to the Aquatic Fund's Sport Fish Restoration Account.

House bill

No provision.

Senate amendment

Establishment of trust fund and transfer of revenues

The Senate amendment establishes a National Recreational Trails Trust Fund ("Trails Fund") in the Trust Fund Code of the Internal Revenue Code (the "Code"). For the first year of the new Fund's existence, amounts equivalent to 0.3 percent of total HTF receipts and, after the first year, revenues corresponding to those received from "nonhighway recreational fuel taxes," are to be transferred annually from the HTF to the Trails Fund.

Nonhighway recreational fuel taxes are defined as those imposed on gasoline, diesel, and special motor fuels (at the HTF rates) for (1) fuel used in vehicles and equipment on recreational trails or back country terrain (including highway vehicles when used on recreational trails, trail access roads not eligible for Federal highway funding, or back country terrain) and (2) fuel used in camp stoves and other outdoor recreational equipment.

Expenditures from trust fund

The Senate amendment authorizes general expenditure purposes from the Trails Fund by cross-referencing Public Works' provisions of the bill.

The Public Works' provisions in the Senate amendment set specific rules for allocating monies to the States for use on trails and trail-related projects. Among the authorized uses of the funds are (1) acquisition of new trails and access areas, (2) maintenance and restoration of existing trails, (3) State environmental protection education programs, and (4) program administrative costs.

Conference agreement

The conference agreement follows the Senate amendment with the following modifications:

(1) The conference agreement provides that the annual revenue transfers to the Trails Fund may not exceed the annual obligation ceilings contained in the bill; the Treasury Department must report annually the amount of revenues it determines to be attributable to nonhighway recreational fuels taxes to the Committees on Ways and Means and Finance;

(2) The conference agreement clarifies that revenues transferred to the Trails Fund do not include revenues currently transferred to the Aquatic Fund; and

(3) The conference agreement sunsets revenue transfers to and expenditure authority from the Trails Fund on October 1, 1997.

(4) The agreement also includes additional technical modifications to conform the Trails Fund to the Code trust funds.

D. NATIONAL HIGHWAY INSTITUTE FUNDING AND FEES

Present law

There is a National Highway Institute which (among its activities) conducts training programs for Federal, State, and local highway employees.

House bill

No provision.

Senate amendment

The Senate amendment expands the Institute's charter to authorize training programs for employees of private agencies. The Institute also is authorized to establish and collect fees from any entity and to place such fees in a special account to fund its operations.

Conference agreement

The conference agreement follows the Senate amendment, with the modification limiting fees that may be assessed to amounts charged to users of the Institute's training programs, not to exceed the costs of services provided.

E. RURAL TOURISM DEVELOPMENT FOUNDATION

Present law

The Code provides tax-exempt status for any corporation which is organized under an Act of Congress and is an instrumentality of the U.S., but only if the corporation is exempt from Federal income tax under (1) provisions contained in the Code (including sec. 501(e)), (2) the corporation's organizing Act (as in effect before July 18, 1984) or (3) a revenue Act enacted after July 17, 1984.

Contributions and gifts to or for the use of the United States for exclusively public purposes are deductible for Federal income, estate, and gift tax purposes.

House bill

No provision.

Senate amendment

The Public Works' provisions in the Senate amendment establish a charitable, nonprofit corporation to be known as the Rural Tourism Development Foundation to plan and implement projects and programs to attract foreign visitors to rural America. The provisions specifically provide that the Foundation and any income or property received or owned by it, and all transactions relating to such income or property, are exempt from all Federal, State, and local taxation.

The provisions also provide that contributions, gifts, and other transfers made to or for the use of the Foundation are regarded as contributions, gifts, or transfers to or for the use of the United States.

Conference agreement

The conference agreement follows the House bill.

F. SENSE OF THE CONGRESS RELATING TO COMMUTE-TO-WORK BENEFITS

Present law

Present law allows employers to provide employee benefits excludible from gross income of up to $21 per month (recently raised from $15 by the IRS) for mass transit use.

House bill

No provision.

Senate amendment

The Senate amendment includes a "Sense of Congress" resolution that the current dollar limit on the exclusion for employer-provided transit benefits unduly penalizes employer efforts to encourage mass transit use by employees. The Senate amendment urges that the amount excludible from employee gross income be increased.

Conference agreement

The conference agreement follows the Senate amendment.

G. BUDGET ACT COMPLIANCE

Present law

The 1990 Budget Enforcement Act provides "spending caps" for certain expenditures and a "pay-as-you-go" requirement for net increases in direct spending and revenues during FY 1991-1995. If net direct spending increases are not offset, a sequester (automatic across-the-board reduction) in non-exempt direct spending programs will occur.

House bill

The House bill provides that notwithstanding any other provision of the House bill, no new direct spending would be created by the bill. The bill requires a proportional reduction in highway and transit obligations for FY 1992 in the event that outlays pursuant to the FY 1992 obligations under the House bill exceed those contained in any transportation appropriations bill for FY 1992.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

From the Committee on Public Works and Transportation for consideration of the entire House bill (except title VII), the entire Senate amendment, and modifications committed to conference:

ROBERT A. ROE,
GLENN M. ANDERSON,
NORMAN Y. MINETA,
JAMES L. OBERSTAR,
HENRY J. NOWAK,
NICK RAHALL,
DOUGLAS APPLEGATE,
RON DE LUGO,
GUS SAVAGE,
ROBERT A. BORSKI,
JOE KOLTER,
JOHN PAUL HAMMERSCHMIDT,
BUD SHUSTER,
WILLIAM F. CLINGER,
THOMAS E. PETRI,
RON PACKARD,
SHERWOOD BOEHLERT,
HELEN DELICH BENTLEY,

From the Committee on Ways and Means, for consideration of title VII of the House bill, and secs. 140E, 141 through 144, 271(b)(12), and 305 of the Senate amendment, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
J. J. PICKLE,
CHARLES B. RANGEL,
PETE STARK,
GUY VANDER JAGT,

As additional conferees from the Committee on Energy and Commerce, for consideration of secs. 5, 121(a), 123, 124, 134(a) and (b), 143, 184, 209, 322(m), 335, title V (insofar as it addresses railroads), secs. 601(b), 608 through 610, 617, and 620 of the House bill, and secs. 103(b)(1), (2), and (9), 106(a), 107, 113, 114, 115(a)(2) and (d), 116, 117, 122(b), 127, 128, 131, 140G, 140T, 140U, 239, 261, 262, 319, and 336 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
AL SWIFT,
GERRY SIKORSKI,
NORMAN F. LENT,
DON RITTER,

Provided that Mr. Dannemeyer is appointed in place of Mr. Ritter for consideration of secs. 123 and 124 of the House bill, and secs. 103(b)(2), 106(a) (insofar as it addresses 23 U.S.C. 133(a)(10)), 107, 113, 114, and 319 of the Senate amendment:

As additional conferees from the Committee on Energy and Commerce, for consideration of secs. 140I, 140N, part A of title II (except secs. 204, 218, and 226), 264, and 271 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
AL SWIFT,
DENNIS E. ECKART,
W.J. (BILLY) TAUZIN,
JIM SLATTERY,
RICK BOUCHER,
THOMAS J. MANTON,
TERRY L. BRUCE,
CLAUDE HARRIS,
MIKE SYNAR,
NORMAN F. LENT,
CARLOS J. MOORHEAD,
MATTHEW J. RINALDO,
DON RITTER,
JACK FIELDS,
MICHAEL G. OXLEY,

As additional conferees from the Committee on the Judiciary, for consideration of sec. 409 of the House bill, and sec. 238 and title IV of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
DON EDWARDS,
BARNEY FRANK,
HAMILTON FISH, Jr.,
CARLOS J. MOORHEAD,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of secs. 141 (a) and (e), 202, 317, 405, 502, 601, 604 through 609, 616 through 618, 651 through 659, and 671 through 673 of the House bill, and secs. 103(b) (9) and (10), 106(a), 107, 115, 116, 127(g), 136(b), 203(e), 204, 232(a), 329, and 341 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
DAN GLICKMAN,
TOM LEWIS, (Except Sections 103(b)(9) and 116),

As additional conferees from the Committee on Government Operations, for consideration of title IV of the Senate amendment and modifications committed to conference:

JOHN CONYERS, Jr.,
FRANK HORTON,
Managers on the Part of the House.

From the Committee on Environment and Public Works:

DANIEL PATRICK MOYNIHAN,
QUENTIN BURDICK,
GEORGE MITCHELL,
FRANK R. LAUTENBERG,
HARRY REID,
JOHN H. CHAFEE,
STEVE SYMMS,
JOHN WARNER,
DAVE DURENBERGER,

From the Committee on Commerce, Science, and Transportation:

J. JAMES EXON,
RICHARD H. BRYAN,
JOHN DANFORTH,
SLADE GORTON,

From the Committee on Banking, Housing, and Urban Affairs:

DON RIEGLE,
ALAN CRANSTON,
PAUL SARBANES,
CHRISTOPHER S. BOND,
ALFONSE D'AMATO,

From the Committee on Finance:

LLOYD BENTSEN,
DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
BOB PACKWOOD,
BOB DOLE,

From the Committee on Governmental Affairs, only for the consideration of the Uniform Relocation Act Amendment:

JOHN GLENN,
CARL LEVIN,
BILL ROTH,
Managers on the Part of the Senate.

○

[ERRATA]

102D CONGRESS *1st Session*	HOUSE OF REPRESENTATIVES	REPORT 102-404

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

CONFERENCE REPORT

TO ACCOMPANY

H.R. 2950

NOVEMBER 27 (legislative day, NOVEMBER 26), 1991.—Ordered to be printed

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[ERRATA]

Page 297, line 27, of the printed report: add the following:

As additional conferees from the Committee on Energy and Commerce, for considertion of secs. 5, 121(a), 123, 124, 134(a) and (b), 143, 184, 209, 322(m), 335, title V (insofar as it addresses railroads), secs. 601(b), 608 through 610, 617, and 620 of the House bill, and secs. 103(b)(1), (2), and (9), 106(a), 107, 113, 114, 115(a)(2) and (d), 116, 117, 122(b), 127, 128, 131, 140G, 140T, 140U, 239, 261, 262, 319, and 336 of the Senate amendment and modifications committed to conference:

John D. Dingell,
Al Swift,
Gerry Sikorski,
Norman F. Lent,
Don Ritter,

Provided that Mr. Dannemeyer is appointed in place of Mr. Ritter for Consideration of secs. 123 and 124 of the House bill, and secs. 103(b)(2), 106(a) (insofar as it addresses 23 U.S.C. 133(a)(10)), 107, 113, 114, and 319 of the Senate amendment:

As additional conferees from the Committee on Energy and Commerce, for consideration of secs. 140I, 140N, part A of title II (except secs. 204, 218, and 226), 264, and 271 of the Senate amendment, and modifications committed to conference:

John D. Dingell,
Al Swift,
Dennis E. Eckart,
W.J. (Billy) Tauzin,
Jim Slattery,
Rick Boucher,
Thomas J. Manton,
Terry L. Bruce,
Claude Harris,
Mike Synar,
Norman F. Lent,
Carlos J. Moorhead,
Matthew J. Rinaldo,
Don Ritter,
Jack Fields,
Michael G. Oxley,